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JOURNAL

OF

THE COUNCIL

OF THE

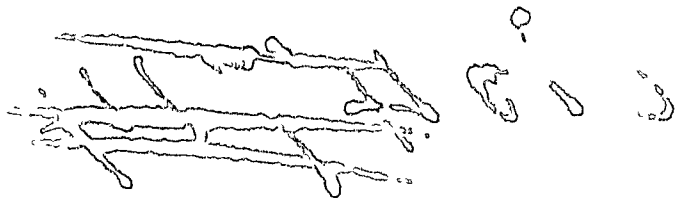
FOURTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

GUN AND HELD AT IOWA CITY, ON THE SIXTH DAY OF DECEMBER,
ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE

BLOOMINGTON:
JNO. B. RUSSELL, PRINTER.
1842.



JOURNAL OF THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

Begun and held at Iowa City, on Monday the sixth day of December, A. D., 1841.

In accordance with law, the Council was called to order by B. F. Wallace, Secretary, and the following named members appeared and answered to their names:

From the counties of Dubuque, Jackson, &c.—M. BAINBRIDGE and J. S. KIRKPATRICK.

From the counties of Scott and Clinton—J. W. PARKER.

From the counties of Cedar, Linn, &c.—GEORGE GREENE.

From the counties of Muscatine and Johnson—S. C. HASTINGS.

From the counties of Louisa and Washington—FRANCIS SPRINGER.

From the county of Lee—J. B. BROWNE and ED. JOHNSTON.

From the county of Henry—W. H. WALLACE.

From the county of Jefferson—W. G. COOP.

From the county of Van Buren—G. S. BAILEY.

The Hon. SHEPHERD LEFFLER, member elect to fill the vacancy in the county of Des Moines, came forward, produced his certificate of election, and was sworn into office.

On motion of Mr. Hastings,

Mr. Browne was appointed President, *pro tem.*

On motion of Mr. Bainbridge,

G. W. Harris was appointed Sergeant-at-Arms, *pro tem.*

On motion of Mr. Bailey,

Samuel Parker was appointed Door-Keeper, *pro tem.*

On motion of Mr. Hastings,

The Council adjourned until 10 o'clock to-morrow morning.

Tuesday Morning, Dec. 7, 1841.

The Council met pursuant to adjournment.

On motion of Mr. Springer,

T. S. Parvin was appointed Assistant Secretary, *pro tem.*

On motion of Mr. Springer,

Ordered, That the Rules for the government of the Council of the last session be adopted for the temporary government of this Council; and until new Rules are adopted.

Mr. Hastings offered the following resolution:

Resolved, That the following be the officers of the Council, and that the per diem hereunto annexed be allowed to each, respectively:

One Secretary, per diem,	$4 00
One Assistant Secretary,	3 00
Two Transcribing Clerks,	2 50
One Sergeant at Arms,	2 50
One Door-keeper,	2 50
One Messenger,	2 50
One Fireman,	2 50

Mr. Wallace moved to lay the resolution on the table until the 4th of July next;

Which was lost.

The yeas and nays being ordered, were as follows:

Yeas—Messrs. Bainbridge, Brown, Springer and Wallace—4.

Nays—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Parker—8.

The question then recurred upon the adoption of the resolution, which passed by the following vote, yeas 7, nays 5.

The yeas and nays being ordered, are as follows:

Yeas—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Parker—7.

Nays—Messrs Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

On motion of Mr. Hastings,

The Council proceeded to the election of President:

Mr. Johnston nominated J. W. Parker.

Mr. Springer nominated Mr. Bainbridge.

Messrs. Springer and Kirkpatrick were appointed tellers.

The votes having been taken and counted, stood as follows:

J. W. Parker	received	6 votes.
M. Bainbridge	"	4 "
Blank	"	1 "
Greene	"	1 "

No one having received a majority of all the votes given, a choice was not made.

Mr. Springer moved

That the Council adjourn till to-morrow morning at 10 o'clock.

Which was lost.

The yeas and nays being ordered, are

YEAS—Messrs. Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Parker—7.

Mr. Springer then moved

That the election of President be postponed till to-morrow morning at 10 o'clock;

Which was lost.

The yeas and nays being ordered, are

YEAS—Messrs. Bainbridge, Browne, Springer and Wallace—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Parker—8.

The Council then proceeded to a second balloting,

Messrs. Springer and Kirkpatrick acting as tellers.

The votes being taken and counted, it appeared that

J. W. Parker received		6 votes.
M. Bainbridge	"	4 "
Blank	"	1 "
Greene	"	1 "

No one having received a majority of the whole number of votes given, a choice was not made,

And the Council proceeded to a third balloting, when it appeared that

J. W. Parker received		7 votes.
M. Bainbridge	"	4 "
Greene	"	1 "

Mr. Parker having received a majority of all the votes given, was declared duly elected President of the Council, and was conducted to the chair by Messrs. Bailey and Johnston; after which he delivered the following address:

Gentlemen—I tender you my most sincere and grateful acknowledgements for this flattering testimony of your confidence in me.

Entrusted, by you, with so honorable and so responsible a station, it becomes my duty, and, I assure you, it will be my pleasure to exert my utmost powers to discharge its duties faithfully, promptly and impartially. But inexperienced as I am, I can hope to do so but imperfectly. I shall, therefore, look for, and hope I may receive, your aid and instruction.

In the good government of the Council, as much depends upon each member as upon the presiding officer; and I am confident, from my acquaintance with you, that the order and dignity which has heretofore characterized the deliberations of this body, will still be maintained.

Representatives, as we are, of the people of a Territory whose prosperity is unparalled in the history of Territories—of a Territory so beautiful in scenery, so rich in soil, and so vast in resources, that it shadows forth a State that must, ere long, become a star of the first magnitude in the banner of the Union. Our station is one of great and solemn responsibility. I doubt not you will meet it like men, and act not for yourselves, but for the welfare of the whole people.

The laws of a country are said to exert a powerful influence in giving

shape and tone to the character of its people. How important then, for the happiness and prosperity of the people, that, in the consideration of measures brought before us, we should throw aside all selfish motives—narrow views and local prejudices, and look forward in the far reaching future, and judge, if possible, of their operation and effect. To every proposed law let us apply the test—will it aid in securing the greatest good to the greatest number.

Again, gentlemen, I return you my sincere thanks for the honor you have bestowed on me. I hope it may not prove to be undeserved.

On motion of Mr. Leffler,

The Council proceeded to the election of a Secretary.

Mr. Leffler nominated J. W. Woods.

Mr. Springer nominated B. F. Wallace.

Messrs. Leffler and Bainbridge were appointed tellers.

The votes having been taken and counted, stood as follows:

J. W. Woods had	7 votes.
B. F. Wallace had	5 "

Whereupon J. W. Woods, having a majority of all the votes given, was declared to be duly elected Secretary to the Council.

On motion of Mr. Greene,

The Council proceeded to the election of Assistant Secretary.

Mr. Greene nominated Edward J. Darken.

Mr. Wallace nominated W. W. Dodge.

Messrs. Springer and Hastings were appointed tellers.

The votes having been taken and counted, stood as follows:

Edward J. Darken had	7 votes.
W. W. Dodge had	5 "

Edward J. Darken having received a majority of the votes given, was declared to be duly elected Assistant Secretary to the Council.

On motion of Mr. Hastings,

The Council proceeded to the election of one Transcribing Clerk.

Mr. Hastings nominated George S. Hampton.

Messrs. Kirkpatrick and Bailey acted as tellers.

The votes being taken and counted, stood as follows:

George S. Hampton,	10 votes,
Blank,	1 "
Thornton.	1 "

On motion of Mr. Bainbridge,

The Council proceeded to the election of second Transcribing Clerk.

Mr. Bainbridge nominated George W. Harris.

Messrs. Browne and Coop acted as tellers.

The votes being taken and counted, were

For George W. Harris,	12 votes.

Whereupon, George W. Harris, having received a majority of all the votes given, was declared duly elected.

On motion of Mr. Bailey,

The Council proceeded to the election of Sergeant-at-Arms.

Mr. Bailey nominated Samuel Parker.

Messrs. Johnston and Wallace acting as tellers.

The votes being taken and counted, stood as follows:

Samuel Parker had	9 votes,
Blank,	3 "

Whereupon, Samuel Parker, having received a majority of all the votes given, was declared duly elected Sergeant at-Arms to the Council.

On motion of Mr. Johnston,

The Council proceeded to the election of Door-Keeper.

Mr. Johnston nominated Orrin Dodd.

Messrs. Leffler and Springer acted as tellers.

The votes having been taken and counted, stood as follows:

For Orrin Dodd,	10 votes,
" Ball,	1 vote,
Blank,	1 "

Orrin Dodd, having received a majority of all the votes given, was declared duly elected Door-Keeper of the Council.

On motion of Mr. Coop,

The Council proceeded to the election of Messenger.

Mr. Coop nominated Miles Driscoll,

Mr. Kirkpatrick nominated Philip Bennett.

Messrs. Kirkpatrick and Greene acted as tellers.

The votes having been taken and counted, stood as follows:

Miles Driscoll had	7 votes,
Philip Bennett,	5 "

Miles Driscoll, having received a majority of all the votes given, was declared duly elected Messenger to the Council.

On motion of Mr. Leffler,

The Council proceeded to the election of Fireman.

Mr. Leffler nominated Daniel Chance.

Messrs. Bailey and Bainbridge acting as tellers.

The votes being taken and counted, stood as follows:

Daniel Chance had	8 votes,
Blank,	1 vote,
Butler,	2 votes,
Prince Albert,	1 vote.

Daniel Chance, having received a majority of all the votes given, was declared duly elected Fireman to the Council.

On motion of Mr. Bailey,

The following officers, elect, were called, who appeared and were sworn into office, viz:

James W. Woods, *Secretary.*
Edward J. Darken, *Assistant Secretary.*
George S. Hampton, and } *Transcribing Clerks.*
George W. Harris, }
Samuel Parker, *Serjeant-at-Arms.*
Orrin Dodd, *Door-Keeper.*
Miles Driscoll, *Messenger.*
Daniel Chance, *Fireman.*

Mr. Coop offered the following:

Resolved, That Messrs. Van Antwerp & Hughes, editors of the "Iowa Capitol Reporter," do the incidental printing of the Council during the present session.

The question being upon the adoption of the resolution,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bainbridge, Browne, Springer, and Wallace—4.

So the resolution was adopted.

Mr. Johnston offered the following:

Resolved, That B. F. Wallace, late Secretary of the Council be allowed the sum of $36 00 for his attendance and services during the present session of the Council.

Resolved, That T. S. Parvin, late Assistant Secretary of the Council, be allowed the sum of $30 00 for his attendance and services during the present session of the Council.

Which were adopted.

Mr. Greene offered the following:

Resolved, That the Secretary of the Council, be authorized to make immediate arrangements with the Post-master of Iowa City, relative to the postage on all letters, papers, and documents which may be received or transmitted by the members of the Council, through his office during the present session.

Which was adopted.

Mr. Hastings moved that the Council adjourn until 10 o'clock, to-morrow morning.

Upon which motion, Mr. Wallace called for the yeas and nays, which are as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—9.

NAYS—Messrs. Bailey and Wallace—2.

Whereupon the Council adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, Dec. 8, 1841.

The Council met pursuant to adjournment.

Mr. Brown submitted the following:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the Honorable O. H. W. Stull, Secretary of the Territory, be authorized to effect a loan of a sufficient amount of money to pay the respective members of both branches of the Legislative Assembly their mileage in travelling to the seat of Government the present session.

Which was read a first and second time.

Mr. Hastings moved that the resolution be laid upon the table until to-morrow; which was carried.

Messrs. Morgan and Robinson, as a committee from the House of Repre-

sentatives, waited upon the Council to inform them that the House was duly organized and ready to proceed to business.

Mr. Greene moved

That a committee be appointed to wait upon the House of Representatives to inform them that the Council is duly organized and ready to proceed to business; which was carried.

Messrs. Greene and Wallace were appointed said committee.

Mr. Springer moved, that a committee of two be appointed to act with a similar committee, upon the part of the House of Representatives, to wait upon the Governor and inform him that the two Houses are now organized and ready to receive any communication he may wish to make. Adopted.

Messrs. Springer and Bailey were appointed the committee.

Mr. Bailey submitted the following:

Resolved, That each member of the Council be entitled to receive, weekly, during the present session, 30 numbers of any newspaper printed in this city; or, at his discretion, a portion from all.

Mr. Greene moved to strike out 30 and insert 40.

Mr. Bainbridge moved to strike out 30 and insert 20.

The question being on striking out and inserting,

Mr. Springer moved a division of the question,

Which was had; and the question recurring on striking out 30, was decided in the affirmative.

The question being on inserting 40,

Mr. Springer called the yeas and nays, which stood as follows:

YEAS—Messrs. Coop, Greene, Johnston, Kirkpatrick, Leffler, Springer and President—7.

NAYS—Messrs Bailey, Bainbridge, Hastings and Wallace—4.

Thereupon the resolution as amended by inserting 40, was adopted.

Mr. Browne moved the following:

Resolved, That a committee of three be appointed to act in conjunction with a similar committee of the House of Representatives, in framing the necessary rules for the government of the intercourse between the two Houses; and that the Secretary inform the House of Representatives of the same; which was adopted.

Messsrs Browne, Bainbridge and Hastings were appointed that committee.

Mr. Greene offered the following:

Resolved, That a committee of three be a ppointed to prepare and report a system of rules and regulations for the government of the Council;

Which was adopted.

Messrs, Greene. Wallace and Johnston were appointed said committee.

Mr. Leffler offered the following:

Resolved, That the Presbyterian Church, in Iowa City, have the privilege of having religious exercises, on the Sabbath, during the session, in the Council chamber;

Which, on motion of Mr. Johnston, was laid upon the table.

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have appointed Messrs. Robertson and Patterson, a committee to act in conjunction with a similar committee to be appointed on the part of the Council to wait upon the Gov-

ernor and inform him that the two Houses are now organized and ready to receive any communication that he may wish to make to them."

Mr. Hastings offered the following rosolution:

Resolved, That the Secretary of the Territory be requested to furnish each member of the Council with copies of the laws enacted at the first, second, third and fourth sessions of the Legislative Assembly; and, also, with copies of the Journals of the Council of the first, second, third and fourth sessions;

Which was ordered to be laid upon the table until to-morrow morning.

Mr. Springer, from the joint committee appointed to wait on the Governor and inform him that the Council and House of Representatives are now organized and ready to receive any communication that he may wish to make, reported that they had performed the duty assigned them, and that his Excellency replied that he would transmit his message to both Houses at eleven o'clock.

Mr. Springer gave notice of his intention to introduce, at some future time, a bill providing for a special term of the Supreme Court, and for other purposes.

Mr. Johnston presented the petition of John Haynes, for a divorce;

Which was read and laid upon the table.

Mr. Greene reported that the committee appointed to inform the House of Representatives of the organization of the Council, had discharged that duty.

Mr. Johnston gave notice of his intention to present the following at some future time:

Memorial for appropriation to complete Penitentiary.

Memorial for an appriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

Resolution, requesting our Delegate to procure the survey, &c, of certain islands in the Mississippi river.

Resolution, requesting our Delegate, &c., to procure appropriations sufficient to pay the expenses of the winters of 1839 and '40, incurred by the citizens of Iowa, in the dispute with Missouri in relation to the southern boundary.

Preamble and Resolution, requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes, in the Half Breed Sac and Fox reservations.

Resolution, in relation to the purchase of Indian country.

Mr. Hastings gave notice of his intention to introduce, to-morrow, or at some future time, a bill for the observance of the Sabbath.

Mr. President announced the following annual message from his Excellency the Governor:

Fellow-Citizens of the Council,

And of the House of Representatives:

It is gratifying to me that on meeting you at this time, I am enabled to congratulate you upon the general prevalence of health among the people of the Territory during the past and present seasons, and upon the rapid increase of our population and steadily advancing improvement of our fertile and beautiful country. Abundance has crowned the labor of the husbandman, and already commerce is coming to his aid and affording a market for the surplus productions of our agriculture. For these good and gracious gifts of the Beneficent Being, to whom we are indebted for them, it is our duty sincerely to manifest our gratitude and thankfulness.

Coming, as you do, from every organized county in the Territory, bringing with you an intimate knowledge of the wants and wishes of your constituents, I do not deem it necessary to enter into a detailed recommendation of subjects of legislation requiring you attention; and I consider it the less important to do so, because the time is near at hand when, having assumed a permanent form of government, and settled the fundamental principles by which our future legislation will be governed, its entactments will be made to conform to those principles and become less subject to change.

I will, however, in conformity to usage, avail myself of this occasion, respectfully, to call your attention to some of the subjects which seem to me worthy of your consideration at this time. Among these, the one which strikes me as of paramount importance, is the legislation necessary to the ascertainment of the wishes of the people of the Territory, touching our admission into the Union of the States, as one of the confederates, in the duties and obligations of the National Government. A recent reference of this subject to the people eventuated in the expression of the unwillingness of a very considerable majority, to take upon themselves, at that time, the duties and responsibilities of a State Government; but the rapid increase of our population, and the recent legislation of Congress in relation to the future disposition of the proceeds of the sales of the public lands, will present the subject in a new aspect, and may produce a change of public sentiment upon it. I would, therefore, recommend that it be again submitted to the consideration of the people by a legislative provision requiring an expression of their wishes through the ballot-box, that their representatives may be enabled to act upon this important matter at the next session, in conformity to their clearly ascertained will.

Assembling in conformity to the proclamation of my precessor in office, at the established seat of government, where the erection of a very important part of the public buildings is in progress, you will be enabled to satisfy yourselves by a personal inspection, whether the execution of the work and its advancement towards completion, is such as the means put at the disposal of the superintendent, authorized you to expect. You will find from the report of the Territorial Agent, that a consideracle debt has been incurred in providing the means for carrying up the capitol as far as it has progressed, and will be enabled to determine whether further provision will be necessary to meet existing demands, and for completing the building, or whether the provision already made will be adequate to the accomplishment of the object in such reasonable time as will meet public expectation.

It not having been made the duty of any of the officers connected with the erection of the penitentiary, to report to the executive depariment, I can only inform you thas from a personal inspection of the work, last summer, it appeared, as far as it had progressed, to be well and substantially executed; but the progress is not commensurate to the necessity for its completion. This proceeds from a want of means to carry it on, and I would recommend an earnest appeal to Congress for such an appropriation as will enable us speedily to complete a work so necessary to prevent this Territory from becoming the refuge of a large portion of the most corrupt and vicious population of the States. Our very limited sources of revenue and the relation in which we stand to the General Government, entitle us to demand at its hands the means of protecting ourselves from so great an evil.

Some disappointment has been felt from the failure of a recent attempt by Commissioners appointed by the President, to obtain from the Sac and Fox Indians a cession of the lands they claim in this Territory. I, however, confidently hope, that when the causes which produced that failure are understood by the President, measures will be promptly adopted to remove them, and that there will be less delay in opening the most desirable portion of their country to emigration, than would have resulted from their acceptance of the terms proposed to them in the recent negotiation. But it is probable that for a long time we shall remain subject to the evils and inconveniencies of having an Indian population on our borders—evils and inconveniencies resulting principally from their excessive and growing fondness for intoxicating drink, with which they are supplied by a depraved and vicious portion of our citizens, who, defying alike the laws of morality and of their country, furnish them the means of degradation and destruction, with a full knowledge and perfect disregard of its murderous effects upon them. To this infamous practice these unfortunate people, without exception of age or sex, are rapidly falling victims. Humanity shudders and religion weeps over the cruel and unrelenting destruction of a people so interesting, by means so dastardly and brutal, that the use of the rifle and the sword, even in a time of profound peace with them, would be comparitively merciful. Their indolent habits and anversion to labor render them peculiarly fond of artificial excitement; and when absent from the chase, they will seek it in the form of intoxication, at the expense of every comfort and every necessary they possess, their horses, their guns and their blankets are unrelentingly taken from them, in exchange for the intoxicating draught, and on terms as revolting to a sense of fair dealing, as the effects of it are to humanity and Christian benevolence. The provision made by our statute on this subject seems to be ineffectual. I cannot learn that any convictions have been had under it; the pecuniary infliction provided by it, is disregarded, and the offence continued to be perpetrated with impunity, and is increasing, the profits of it always affording a sure indemnity against the risk of conviction. I would, therefore, recommend such an amendment of the existing law on the subject, as will add imprisonment to the existing penalty, and will strictly prohibit all white persons from purchasing any articles of property from an Indian, without the written permission of the Agent appointed by the Government to take care of them, making the possession of property derived from an Indian, prima facie evidence of its having been obtained in violation of the law; and it seems to me it would be well to require persons found in possession of spirituous liquors, near the border and under circumstances conducing to prove their object to be to sell to the Indians, to enter into recognizance with sufficient security, to be of good behavior, and making an infraction of the laws on the subject, a cause of forfeiture of the penalty. It is believed the moral and law abiding portion of our citizens derive no pecuniary advantage from a trading intercourse with the Indians, which they would not most willingly forego, to save them from the injuries inflicted by the vicious.

There is a very industrious and valuable class of our population, who conscieciously scruple to bear arms, in whose favor there is no exemption provided by our militia laws; I would recommend that provision be made for such cases, leaving them subject in time of war to pay an equivalent for personal service.

The plan of public instruction provided by the laws of the Territory has been but very partially brought into operation, whether from a defect in the system, or from inattention on the part of the persons to whom the duty of organizing the township schools has been assigned, or both, you will probably be enabled to judge from the report of the Superintendent. I most earnestly recommend the subject to your consideration. If the system is defective it ought to be promptly altered or amended; and if those to whom the duty of carrying it into effect has been committed, cannot be induced to act under the existing provisions of the law, others should be adopted of sufficient force to ensure the performance of every duty necessary to bring it into successful operation. The subject is one upon which no delay or neglect in any department of the government, or on the part of any persons concerned in the administration of the laws for its regulations, ought to be tolerated.

The experience of the past season, has continued to demonstrate to the states and territories interested in the commerce and navigation of the Mississippi, and particularly that portion of them lying above and between the Des Moines and the Rock Island Rapids, the vast importance of a removal of these impediments to safe navigation. To the rapidly increasing agriculture of this Territory—to the exportation of its valuable mineral productions, as well as to imports, the injury occasioned by these obstructions is of great magnitude, subjecting us, (in a navigation of between two and three hundred miles) to an increase of from one to three hundred per cent, upon the amount usually paid between New Orleans and St. Louis, and other towns below the Lower Rapids. But the evil is not confined to the very heavy tax imposed upon our exports and imports, an immense amount of property is annually wrecked and totally lost on these rapids, an amount which, it is believed, if added to the increased price of freights, occasioned by them, would, within the present and past years, have been almost sufficient to make a perfect channel thro' their whole extent. It is difficult to conceive a reason for the application of the national treasures to the protection and security of the foreign commerce and coasting trade of the country, in the Harbors, Bays, and Rivers on our Atlantic border and on the Lakes, (for which millions have been expended,) which will not apply with equal force in favor of an expenditure of a few hundred thousand dollars, for permanently removing comparatively slight obstructions in the navigation of one of the noblest rivers in the world.—Believing that, as citizens of the United States, contributing our just proportion of its revenues, we have a claim upon the Government for relief from the evil thus briefly brought to your notice. I recommend a respectful but earnest appeal to Congress in behalf of your constituents, for such an appropriation for the removal of the obstructions alluded to, as will effectually protect the commerce of the Upper Mississippi against the losses and impositions to which it is now subject, from causes so easily removed by a proper application of the national means.

I have recently received a letter from the Governor of Missouri, on the subject of the boundary between that State and this Territory, in which he proposes the submission of the matter in controversy to the decision of the Supreme Court of the United States, upon a statement of facts, in the nature of an agreed case, which letter, with a copy of my answer to it, is herewith submitted for your consideration.

The excess of expenditure in former years, over and above the appropria-

tions made by Congress for the support of the Territorial Government, has given rise to a debt of between eight and ten thousand dollars, which justice to the individuals to whom it is due, requires that it should in some way be provided for, and which, with the reduced amount of the appropriation for the present year, admonishes us of the necessity of strict economy in the administration of the fund put at our disposal by the General General Government.

I am, very respectfully,
Your obedient servant,
JOHN CHAMBERS.

APPENDIX.

(1.)

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
November 10*th*, 1841.

To His Excellency,
The Governor of the Territory of Iowa:

SIR—The General Assembly of Missouri, for the purpose of having the question of boundary between the Territory of Iowa and this State finally adjudicated in the Supreme Court of the United States, passed an act, at the last session, directing me to cause suit to be instituted in behalf of Uriah S. Gregory, the late Collector of Clarke County, Missouri, against the persons that arrested and imprisoned him while in the discharge of his duties.

I have ascertained that the Sheriff of Van Buren County, who, with others, arrested him, resides in the Territory of Iowa; consequently any suit commenced against him will have to be commenced in that Territory. The object of this communication is to ascertain whether, if suit is thus commenced, the authorities of Iowa will cause to be made such an agreed case, on the record, as will ensure a decision of the Supreme Court of the United States on the question of boundary. I imagine the only controverted fact is that of boundary. This being the case, I see no reason, as it is desirable that the question should be speedly and finally decided by a competent tribunal, why all the necessary facts might not be agreed. If your Excellency concurs with me in this view, the Council on the part of this State will be instructed to *agree* the case in such form as will present the question of the boundary.

I desire to hear from you as early as will suit your convenience.

I have the honor to be, sir,
Your obedient servant,
(SIGNED) TH. REYNOLDS,
Governor of Missouri.

(2.)

EXECUTIVE OFFICE, BURLINGTON, IOWA TERRITORY,
20*th November*, 1841.

SIR—I have had the honor to receive your Excellency's letter of the 10th instant, advising me of the existence of an Act of the General Assembly of your State, directing you "to cause suit to be instituted in behalf of Uriah S.

Gregory, late Collector of Clark county Mo., against the persons that arrested him in the discharge of his duties, for the purpose of having the question of boundary between this Territory and Missouri finally adjudicated in the Supreme Court of the United States and as the persons proposed to be sued, reside in this Territory," you propose to ascertain whether, "the authorities of Iowa will cause to be made such an agreed case, on record, as will ensure a decision of the Supreme Court of the United States on the question of boundary." That question, it seems to me, is one over which the Territorial authorities of Iowa have no control, the boundary of the Territory, as described by law, gives limits to the exercise of jurisdiction on the part of the Territorial Government, and prescribes the local extent of its obligations to protect those who claim to be citizens of this Territory, but by an express reservation in the law organizing the Territory of Iowa, the boundary remains subject to the future control of Congress, and at the discretion of that body any portion of the country within the limits of the Territory, may be constituted a seperate and distinct Government, or be attached "to any other State or Territory of the United States." If I am correct in this view of the subject, it follows that no agreement or statement of facts which the Territorial authorities could enter into, would authorise the Supreme Court to take cognizance of the question of boundary, which it is the object of the act of your Legislature to have settled by an adjudication of that Court, or render its decision, if it should do so, obligatory upon the Government of the United States, or control its legislation in prescribing a boundary for any future State or Territory, which it might be thought expedient to form within the present limits of Iowa. I doubt, too, whether under the Constitution of the United States, the Supreme Court could, even upon a case agreed and by consent of the parties, take jurisdiction of an alleged controversy between one of the States and a *Territory*, remaining subject to the Legislation of Congress. With these views, it only remains for me to submit your Excellency's communication to the Legislative Assembly of the Territory at its next session, and if the views of that body should differ from those I entertain on the subject, its decision shall be immediately made known to you.

I have the honor to be,
Your most ob't. servant,
JOHN CHAMBERS,
Governor of Iowa.

His Excellency.
THOMAS REYNOLDS,
Governor of Missouri,
Jefferson City, Mo.

Mr. Coop moved that 2000 copies of the Governor's Message, together with the accompanying documents, be printed for the use of the Council.

Mr. Springer moved that 1000 only be printed.

The question recurring on the printing 2000 copies,

The yeas and nays were called by Mr. Springer, and decided in the affirmative by the following vote:

YEAS—Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, Leffler, Wallace and President—8.

NAYS—Messrs. Bailey, Browne, Kirkpatrick and Springer—4.

Mr. Greene gave notice of his intention to introduce, at some future time,

A bill to establish a Territorial road from Marion to Iowa City; also,

A bill authorizing the Commissioners of Linn county to re-locate that portion of the Territorial road established from Iowa City to Priarie du Chein, that passes through the town of Marion, in said county.

Mr. Bailey presented the petition of sundry citizens of Van Buren in relation to the erection of a mill dam at Bentonsport;

Which was referred to a committee:

Messrs Bailey, Hall and Coop, being appointed said Committee.

Mr. Hastings gave notice of his intention of introducing at some future time;

A bill to amend an act, entitled an act to provide for the support of illigitimate children.

On motion of Mr. Browne,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Council met pursuant to adjournment.

A message from the House of Representatives, was received through Mr. Fales, Chief Clerk, to inform the Council that "the House of Representatives have appointed Messrs. Hepner, Booth and Grant a committee to act in conjunction with a similar committee, appointed on the part of the Council, to draft joint rules for the government of the intercourse between the two Houses."

Mr. Hastings gave notice of introducing, at some future time,

1. A bill to make certificates of purchase of lands, from Receivers of public moneys, evidence of possession.

2. A bill to so amend an act, entitled an act, regulating conveyances, &c. "that the deed of conveyance of the husband shall be sufficient without relinquishment of dower by the wife.

3. A bill authorizing Recorders of Deeds to take acknowledgement of deeds and administer oaths.

4. A bill to amend an act, entitled "an act regulating writs of attachment."

5. A bill to so amend an act, entitled, "an act concerning judgments and executions," that real estate shall not be sold in satisfaction of any execution, unless it be sold for at least two thirds of its value.

6. A bill to repeal the 3d section of "an act to amend an act concerning executions, approved, January 13th, 1841."

7. A bill to repeal all laws, now in force in this Territory, authorizing the assessment of a Poll Tax.

8. A bill to amend the 67th section of an act regulating criminal proceedings; approved, January 4th, 1839:" also, to declare what crimes the term "felony" shall include.

9. A bill to incorporate the "Mechanics' Mutual Aid Association, of Iowa City."

10. A bill to incorporate the "First Universalist Society of Iowa City."

11. A bill to make the cutting of trees on the lands of another, without his implied or express assent, an offence punishable by fine and imprisonment.

Mr. Brown introduced documents relative to the petition of Heynes;

Which were read, and, together with the petition, referred to a select

committee, composed of the delegation from Lee county, with instructions to report by bill or otherwise.

The resolution offered by Mr. Leffler, in the Morning, relative to the use of the Council Chamber, by the Presbyterian church, of this City, was taken up in course.

Mr. Hastings moved, that it be referred to a select committee.

Mr. Bainbridge moved, that the resolution be indefinitely postponed;

Which motion was carried.

Mr. Hastings offered the following:

Resolved, That Ministers of the Gospel, Members of the Bar and Editors of Newspapers, be permitted to take seats within the Bar of the Council at pleasure.

Mr. Johnston moved, to amend the resolution by striking out "Members of the Bar;"

Which was carried.

Mr. Bailey moved, that the resolution be laid upon the table;

Decided in the affirmative.

On motion of Mr. Greene,

The Council adjourned until 10 o'clock to-morrow morning.

Thursday Morning, Dec. 9, 1841.

The Council met pursuant to adjournment.

The President announced the appointment of the following Standing Committees of the Council:

On the Judiciary—Messrs. Johnston, Springer, and Leffler.
On Finance—Messrs. Leffler, Wallace, and Greene.
On Enrollments—Messrs. Springer, Bailey, and Johnston.
On Internal Improvements—Messrs. Coop, Hall, and Hastings.
On Territorial Affairs—Messrs. Hastings, Wallace, and Browne.
On Schools—Messrs. Bailey, Hastings, and Bainbridge.
On Military Affairs—Messrs. Browne, Coop, and Hall.
On Claims—Messrs. Wallace, Kirkpatrick, and Leffler.
On Roads—Messrs. Coop, Bainbridge, and Browne.
On Expenditures—Messrs. Kirkpatrick, Coop, and Bailey.
On Incorporations—Messrs. Greene, Bailey, and Kirkpatrick.
On Territorial Library—Messrs. Bainbridge, Hall, and Johnston.
On Public Buildings—Messrs. Hastings, Browne, and Greene.
On Elections—Messrs. Hall Kirkpatrick, and Greene.
On Engrossed Bills—Messrs. Greene, Leffler, and Wallace.
On County and Township Boundaries—Messrs. Bainbridge, Browne, nd Springer.

Mr. Browne, from the committee appointed to act in conjunction with a committee of the House of Representative, in framing the necessary rules for the government of the intercourse between the two Houses, reported the joint rules of the last Legislative Assembly,

Which were adopted.

Mr. Greene, from the committee appointed to prepare and report a system of rules and regulations for the government of the Council, reported the rules of the last session, with sundry amendments,

Which were considered in committee of the whole.

On motion of Mr. Johnston,

The committee then rose, and had leave to sit again to-morrow.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported a bill for an act, to amend an act authorizing Henry Eno and others to build a dam across the Des Moines river,

Which was read the first time, and,

On motion of Mr. Wallace,

The usual number of copies ordered to be printed.

Mr. Greene, in accordance with previous notice, introduced a bill, with leave of the Council, to appoint commissioners to establish a Territorial road from Moscow to Iowa City.

Which was read a first and second time, and,

On motion of Mr. Hastings,

Referred to a select committee, consisting of Messrs. Hastings, Greene, and Wallace.

The resolution offered yesterday, relative to a loan of money, was taken up, and,

On motion of Mr. Browne,

Read a third time, and passed

Mr. Hastings gave notice that he should ask leave, on some future day, to introduce a bill to grant certain unsold out-lots in Iowa City for a burying ground.

On motion of Mr. Bailey,

The Council went into committee of the whole on the Governor's message, Mr. Wallace in the chair,

And after some time spent therein, the committee rose, and reported the same back to the Council, and asked to be discharged.

Mr. Browne then offered the following resolution:

Resolved, That so much of the Governor's message as relates to the admission of Iowa into the Union, be referred to the committee on Territorial affairs, with instructions to report by bill or otherwise.

Mr. Greene moved to amend the resolution, by adding to the committee on Territorial affairs, one member from each electoral district.

Mr. Kirkpatrick moved to amend the amendment, by adding to the committee on Territorial affairs, one member from each judicial district, instead of one from each electoral district.

And the resolution, thus amended, was adopted.

Messrs. Leffler, Greene, and Bainbridge were then added to the committee.

Mr. Coop offered the following resolution, which was adopted.

Resolved, That that part of the Governor's message relating to persons who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our militia laws, be referred to the committee on military affairs.

Mr. Bainbridge offered the following resolution, which was adopted.

Resolved, That so much of the Governor's message as refers to the southern boundary line of the Territory, together with the correspondence between the Governor of Missouri, and the Governor of this Territory, be referred to a select committee, with instructions to report by bill or otherwise.

Messrs. Bainbridge, Bailey, and Johnston were appointed the committee.

On motion of Mr. Bailey,

That part of the Governor's message which relates to the capitol and penitentiary, was referred to the committee on public buildings.

On motion of Mr. Hastings,

That part of the Governor's message relative to the sale of spirituous liquors to the Indians, was referred to the committee on military affairs;

And also, that part which relates to schools, to the committee on schools;

And also, that part which relates to Indian treaties, to the committee on Territorial affairs.

On motion of Mr. Bailey,

That part of the Governor's message which relates to Territorial debts, was referred to the committee on finance.

Mr. Springer, in accordance with previous notice, had leave, and introduced,

A bill providing for a special term of the Supreme Court, and for other purposes.

Which was read a first and second time, and, on motion,

Referred to the committee on the judiciary.

Mr. Johnston, in accordance with previous notice, had leave, and introduced,

A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

A memorial for an appropriation to complete the penitentiary.

A joint resolution requesting our Delegate to procure the survey, &c., of certain islands in the Mississippi river,

Which were read a first and second time.

A resolution requesting our Delegate to procure an appropriation to defray the expenses incurred in the winter of 1839 and '40, in relation to the southern boundary,

Which was read a first and second time, and referred to a select committee composed of Messrs. Browne, Coop, and Hastings.

A preamble and resolution for a donation of land for school purposes, in the half-breed Sac and Fox reservation,

Which was read a first and second time.

Mr. Leffler offered the following resolution, which was adopted:

Resolved, That so much of the Governor's message as refers to the obstructions of navigation in the Mississippi river, be referred to the committee on Territorial affairs, with instructions to report by memorial or otherwise.

Mr. Johnston gave notice that he should, on some future day, ask leave to introduce a bill to amend the law relating to divorce.

On motion of Mr. Johnston,
Leave of absence was granted to Mr. Hastings.
On motion of Mr. Coop,
The Council adjourned until 10 o'clock, to-morrow morning.

Friday Morning, Dec. 10, 1841.

The Council met pursuant to adjournment.

A message was received from the Governor, by Mr. Stull, Secretary of the Territory, on the subject of title deeds to lots in the city of Iowa.

The message was read, and is as follows:

Executive Office, Iowa Territory, Dec. 9, 1841.

To the Council and House of Representatives:

Gentlemen:—An application to execute deeds of conveyance to some of the purchasers of lots in Iowa City, has drawn my attention to the several legislative acts which relate to that subject; and upon a comparison of their provisions, I find that by the 3d section of the act of the 17th of January, 1840, entitled "An act to provide for the executiou of title deeds to lots in the city of Iowa," it is provided, that "whenever the purchase money shall be paid up in full, for the purchase of any lot or lots in the city of Iowa, and as soon as the title to said lots is bona fide obtained from the General Government, the acting Commissioner shall make out the requisite title deeds to the purchaser or purchasers for the same, in conformity with the certificate of purchase to be signed by the Governor and the seal of the Territory affixed thereto, and countersigned and acknowledged by the said acting Commissioner," (see page 111, acts 1840.) And by the 6th section of the act of 24th of July, 1840, entitled "An act directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same," it is enacted "that whenever full payment shall have been made for any lot or lots in Iowa City, the acting Commissioner of public buildings shall give to the person or persons entitled thereto, a certificate of final payment for the same;" and by the 7th section of the same act, it is provided "that whenever any certificate of final payment for lots in Iowa City shall be presented to the Secretary of the Territory, he shall file the same in his office and make out a deed of conveyance in accordance with such certificate, which deed of conveyance shall be sealed with the seal of the Territory, signed by the Governor and countersigned by the Secretary of the Territory, and when thus executed, shall convey to the grantee a title in fee simple to the lots therein described;" and by the 8th section of that act, it is made the duty "of the Secretary of the Territory to keep a record in his office of all deeds of conveyance *made out by him* under the provisions of this act." It repeals "all acts and parts of acts that are in controvention" of its provisions, (see page 6, acts of July session 1840.)

By the 17th section of the act of January 10th, 1841, entitled "an act providing for the appointment of a superintendent of public building at Iowa City, and the appointment of a Territorial agent, and for other purposes," it is provided "that the duties required by the third section of "an act entitled an act to provide for the execution of title deeds to lots in Iowa City, and for other purposes, shall hereafter be performed by the Territorial agent," &c. (See page 61, acts of 1840–41.)

The effect of this last act is to revive the third section of the act of the 17th January 1840, requiring the Superintendant (or now, in his stead, the Territorial agent) upon the receipt of full payment for any lot, to make out and countersign a deed of conveyance for it, to the purchaser, to be signed by the Governor, and the revival of that section in effect defeats the provision of the act of July 1840, requiring the certificates of payment to be filed in the office of the Secretary of the Territory, and the deeds *to be made out by him* to be recorded in his office. It seems probable that the revival of the third section of the act of January 1840, was made without adverting to the provisions of the act of July of that year, and as it removes that salutary check upon the agent which requires his certificates of payment to be filed with another officer of the Government, and leaves the holders of deeds for lots in this city, without any provision for recording them, I would respectfully submit to your consideration, the propriety of such a modification of these laws, as will restore the provisions of the act of July 1840, or require the filing of the certificates of payment in some one of the public offices, other than that from which they emanate, and direct the title deeds to be recorded.

Respectfully,
Your ob't servant,
JOHN CHAMBERS.

On motion of Mr. Springer,
Referred to the committee on the judiciary.

Mr. Coop offered the following resolution:

Resolved, That L. B. Hughes be allowed the sum of six dollars for services rendered, two days, as *pro tem.* Serjeant at Arms at the commencement of the session of 1840 and '41.

The resolution was adopted.

Mr. Bainbridge offered the following resolution:

Resolved, That the printing of the daily slips, of the proceedings of the Council, be dispensed with in future.

On this resolution, the yeas and nays were called.

Those who voted in the affirmative. are
Messrs. Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

Those who voted in the negative, are
Messrs. Bailey, Coop, Greene, Johnston, Leffler and Mr. President—6.

Mr. Kirkpatrick offered the following resolution:

Resolved, That there be added to the standing committees of this Council, one more committee to be denominated the committee on agriculture.

The resolution was adopted, and
Messrs. Kirkpatrick, Springer and Coop, were appointed said committee.

Mr. Leffler offered the following resolution:

Resolved, That the committee on Territorial affairs, to whom was referred

so much of the Governor's message as relates to the obstructions of navigation in the Mississippi river, be instructed to report, to this body, an address to the several Legislative Assemblies of the States of Missouri and Illinois, and Territory of Wisconsin, with the view of securing their United action upon said subject.

The resolution was adopted.

Mr. Johnston offered the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of memorializing Congress on the subject of a purchase of lands from the Sac and Fox nations of Indians, and that they report by memorial or otherwise.

The resolution was adopted; and

Messrs. Johnston, Wallace and Kirkpatrick, were appointed the committee

Mr. Bailey gave notice that he would, on some future day, ask leave to introduce bills on the following subjects:

A bill to change the manner of assessing real and personal property, so that the respective townships shall choose, at each annual township election, persons to assess the property of their respective townships.

A bill to change the manner of collecting county revenue.

A bill to dispense with the attendance of Sheriffs' on the Boards of county Commissioners, in the several counties in this Territory.

A bill to prevent the cost of unsuccessful criminal prosecutions from falling on the counties.

A bill to reduce the fees of county officers.

A bill amendatory of an act, entitled "an act to authorize John K. Sparks, and his associates, to erect a dam across the Des Moines river."

A message from the House of Representatives, by Mr. Fales, their Clerk:

"Mr. President—The House of Representatives have adopted the joint rules for the government of the intercourse between the two Houses, as reported by the joint committee.

"The House have concurred in the resolution of the Council, authorizing the Secretary of the Territory to effect a loan of money to pay the mileage of the members of the two Houses.

"The memorial for an appriation to complete the Penitentiary; and

"The memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river,

"Were ordered to be engrossed for a third reading on tomorrow.

"The resolution relative to a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation, was ordered to be engrossed and read a third time on Monday next.

"The resolution relative to the survey of certain Islands in the Mississipp river, was ordered to be engrossed and read a third time on Tuesday next."

On motion of Mr. Johnston,

The Council went into committee of the whole, on the rules for the government of the Council, Mr. Bailey in the chair; and after some time spent therein, the committee rose, and reported to the Council sundry amendments,

Which were concurred in.

On motion of Mr. Johnston,

Twenty-six copies of the rules were ordered to be printed for the use of the Council.

Mr. Greene, on leave from the Council,

Introduced a bill for the relocation of part of the Territorial road from Iowa City to Priarie du Chien;

Which was read a first and second time, and ordered to be engrossed for a third reading on Monday next.

Mr. Kirkpatrick offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish, for the use of the Council, one copy of "Newhall's Sketches and Map of Iowa," for each member.

Mr. Springer moved, to amend the resolution by inserting "one copy for the use of the Council, to be deposited in the Territorial Library at the close of the session."

On this amendment, the yeas and nays were called by Mr. Wallace.

Those who voted in the affirmative, are

Messrs. Bailey, Browne, Johnston and Springer—4.

Those who voted in the negative, are

Messrs. Bainbridge, Coop, Greene, Kirkpatrick, Leffler, Wallace and Mr. President—7.

So the amendment was lost.

Mr. Leffler moved, to amend the resolution by adding "which, at the end of the session, shall be deposited in the Territorial Library for the use of the next Legislature;"

And the amendment was adopted.

The question was then taken on the resolution as amended, and the yeas and nays being called by Mr. Springer,

Those who voted in the affirmative, are

Messrs. Bailey, Browne, Coop, Greene, Johnston, Kirkpatrick, Leffler and Mr. President—8.

Those who voted in the negative, are

Messrs. Bainbridge, Springer and Wallace—3.

On motion of Mr. Kirkpatrick,

The Council adjourned until two o'clock, P. M.

2 O'CLOCK, P. M.

The Council met pursuant to adjournment.

A message from the House of Representatives, by Mr. Fales, their Clerk:

"Mr. President—The House of Representatives have passsed—

No. 2, House of Representatives file, entitled "a joint resolution relative to the carrying of the mail from Iowa City to Keosauqua,"

In which the concurrence of the Council is requested.

The resolution was read, and,

On motion of Mr. Greene,

It was read a second time by its title.

On motion of Mr. Springer,

The Council proceeded to consider the said joint resolution, as in committee of the whole, Mr. Leffler in the chair;

And after some time spent therein, it was reported to the Council with several amendments thereto;

Which were concurred in.

Mr. Bainbridge moved to amend the resolution by inserting after the words

Linn county, "leaving Dubuque every Monday morning during the session,"

Which was agreed to.

Mr. Bailey moved, further to amend it by inserting, in the first section, after the word Keosauqua, "via, Winchester;"

Which was agreed to

On motion of Mr. Springer,

The rules were suspended, and the resolution was read a third time.

The question was then taken on its passage, and the yeas and nays being called by Mr. Kirkpatrick;

Those who voted in the affirmative, are

Messrs. Bailey, Bainbridge, Coop, Greene, Wallace and Mr. President—6.

Those who voted in the negative, are

Messrs. Browne, Kirkpatrick, Leffler and Springer—4.

Mr. Bainbridge offered the following as an additional rule for the Council;

Which was adopted:

RULE 40. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

Mr. Springer gave notice that he should, on some future day, ask leave to introduce a memorial to the Congress of the United States, praying the establishment of a mail route from Iowa City, in Johnson county, via Washington, in Washington county, to Mount Pleasant, in Henry county.

Mr. Greene, from the Committee on engrossed bills, reported as correctly engrossed,

No. 1, Council file, A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river; and

No. 2, Council file, A memorial for an appropriation to complete the Penitentiary.

Mr. Greene gave notice that he should, on some future day, ask leave to introduce a memorial to Congress for an appropriation to improve the Territorial road from Iowa City to Prairie du Chien; also,

A memorial to congress for an appropriation to improve the navigation of the Iowa and Cedar rivers.

On motion,

The Council adjourned until 10 o'clock on Monday next.

Monday Morning, Dec. 13, 1841.

The Council met pursuant to adjournment.

On motion of Mr. Springer,

The Journal of Friday last was amended by striking out the words "with instructions to report by bill or otherwise," from the motion by which the Governor's message, on the subject of title deeds to lots in Iowa City, was referred to the committee on the judiciary.

The President presented the report of Jesse Williams, Territorial agent; also,

The report of Chauncy Swan, Superintendent of public buildings at Iowa City. *(See Appendix.)*

On motion of Mr. Johnston,

Fifty copies of each report were ordered to be printed.

Mr. Browne offered the following resolution:

Resolved, That the committee on finance be instructed to enqiuire into the expediency of so amending the law regulating the fees of the several officers of this Territory, as will reduce them to a proper standard.

The resolution was adopted.

Mr. Springer presented the following preamble and resolution:

Whereas, the county of Washington, in this Territory, containing an intelligent population of two thousand inhabitants, is almost entirely destitute of mail facilities; and whereas, the only mail the seat of justice of said county receives, is by way of a branch route from Wapello, in the county of Louisa, once in two weeks:

And, whereas, there is an extensive settlement on English river, in said county of Washington, some ten miles distant from the nearest post route: therefore:

Resolved. By the Council and House of Representatives of the Territory of Iowa, That the Hon. A. C. Dodge, our Delegate in Congress, be requested to use his influence in procuring the establishment of a mail route from Iowa City, in Johnson county, to Mount Pleasant, in Henry county, through the settlement on English river, and the county seat of Washington county.

Resolved, That his Excellency, the Governor, be requested to forward one copy of the foregoing resolution to the President of the Senate, one copy to the Speaker of the House of Representatives, and one copy to our Delegate in Congress.

The preamble and resolution having been twice read,

On motion of Mr. Springer,

Ordered, that the same be engrossed and read the third time to-morrow.

Mr. Browne presented the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the first section of the act, entitled "an act for the benefit of the settlers, &c., on the Half Breed lands," approved December 6, 1839, as will secure to the settlers the value of their respective improvements before they are required to quit possession.

The resolution was adopted.

Mr. Kirkpatrick presented the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of examining and reporting the bill of the last session of this Legislature, regulating the practice in justices courts, &c, and that they report by bill or otherwise.

The resolution was adopted.

Mr. Coop gave notice that he would, on some future day, ask leave to introduce the following bills and memorials, to wit:

A bill to amend the militia laws of this Territory.

A bill to attach the Indian agency, near the Des Moines river, to the county of Jefferson, for judicial purposes.

A memorial to Congress on the subject of establishing a mail route from Fort Madison, Lee county, to Fairfield, Jefferson county. Also,

A memorial to Congress to establish a mail route from Iowa city to Iowaville, via Washington, Brighton in Washington county, and Fairfield in Jefferson county, to Iowaville in Van Buren county.

Mr. Johnston presented the following resolution:

Resolved, that a committee be appointed to enquire into the expediency of procuring a survey for a steam boat canal around the lower rapids of the Mississippi, by memorializing Congress, or otherwise.

The resolution was adopted, and Messrs. Johnston, Bainbridge and Wallace were appointed said committee.

Mr. Johnston presented the annual reports of the Director, Superintendent and Warden of the penitentiary;

Which were referred to the committee on public buildings. *(See Appendix.)*

Ordered, that fifty copies of the Director's report be printed for the use of the Council.

On motion of Mr. Browne,

Mr. Johnston was added to the committee on public buildings.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

Council file, No. 2. Resolution requesting Delegate to procure survey, &c. of certain Islands in the Mississippi;

Council file, No. 3. Preamble and resolution requesting Delegate to use his influence to procure a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation; and

Council file, No. 4, A bill authorizing the commissioners of Linn county to re locate part of the Territorial road from Iowa City to Prairie du Chien.

Mr. Bainbridge, from the select committee to whom was referred that portion of the Governor's message relative to the southern boundary line of the Territory, together with the correspondence of the Governor of Missouri, and Governor of this Territory, on the subject, reported

That they had had the same under consideration, and are of the opinion

that the matter in dispute is one over which the Territorial authorities have no control; consequently no agreed case between the authorities of Missouri and this Territory (with all due deference to the opinion of the authorities of Missouri) could enable the Supreme Court of the United States to take cognizance of a matter belonging, as this does, exclusively to another branch of the Government, the Congress of the United States.

The committee, therefore, recommend the adoption of the following joint resolution, and ask to be discharged from the further consideration of the subject:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the views expressed by his Excellency, Governor Chambers, in his letter to the Governor of Missouri, on the subject of the southern boundary line of this Territory, are entirely the views entertained by this body on the subject.

The Council concurred in the report.

The Joint resolution was read the first and second time, and

Ordered to be engrossed for a third reading to-morrow.

Mr. Greene introduced a memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien;

Which was read the first and second time, and

Ordered to be engrossed for a third reading to-morrow.

Mr. Springer, from the judiciary committee, to whom was referred the special message of the Governor concerning deeds of conveyance for lots in Iowa City, reported

A bill for "an act, supplementary to an act, providing for the appointment of a Superintendent of public buildings at Iowa City, and the appointment of a Territorial agent, and for other purposes;"

Which was read the first and second time, and ordered to be printed.

Mr. Springer, from the committee on enrollments, reported as correctly enrolled,

A joint resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage.

Mr. Greene offered the following resolution:

Resolved, That the standing committee on engrossed bills be dispensed with.

On motion of Mr. Browne,

The resolution was indefinitely postponed.

Mr. Wallace offered the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to ascertain whether either of the editors in this city will print the Journals of the Council at the price usually allowed, and furnish the daily slips free of charge.

On motion of Mr. Bailey,

The resolution was laid upon the table, subject to the order of the Council.

Mr. Browne, from the committee on Territorial affairs, to whom was referred that part of the Governor's message which relates to the admission of Iowa into the Union, reported

A bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to taking preparatory steps for their admission into the Union;

Which was read the first and second time, and,

On motion by Mr. Johnston,

Ordered to be printed.

Mr. Browne, from the same committee, to whom was referred that part of the Governor's message which relates to the sale of spirituous liquors to the Indians, reported,

A bill to amend "an act to prevent the selling of spirituous liquors to the Indians, and for other purposes;"

Which was read a first and second time, and referred to the committee on the judiciary.

On motion of Mr. Bailey,

The usual number of copies were ordered to be printed.

Mr. Browne, from the committee on military affairs, reported, a bill to amend "an act to organize, discipline, and govern the militia of this Territory;"

Which was read a first and second time, and,

On motion of Mr. Johnston,

The usual number of copies were ordered to be printed.

Mr. Johnston made the following report:

The committee on the judiciary, to whom was referred "a bill providing for a special term of the supreme court, and for other purposes," report the same back to the Council without amendment, recommend its passage, and ask the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

The Council concurred in the report and the resolution was adopted.

On motion of Mr. Bailey,

Ordered, That the bill be laid upon the table, subject to the order of the Council.

On motion of Mr. Johnston,

The memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river;

The memorial for an appropriation to complete the penitentiary; and

The preamble and resolution relative to a donation of lands for school purposes in the half-breed Sac and Fox reservation,

Were severally read a third time, and passed.

On motion of Mr. Johnston,

The resolution requesting our Delegate in Congress to procure a survey of certain islands in the Mississippi river, was read a third time and passed.

On motion of Mr. Greene,

The bill to authorize the re-location of part of the Territorial road from Iowa City to Prairie du Chien, was read the third time and passed.

Mr. Greene introduced, in accordance with previous notice, a joint resolution requesting our Delegate to procure the establishment of a mail route from Iowa City, via Marion, to Dubuque;

Which was read a first and second time, and ordered to be engrossed and read the third time to morrow.

Mr. Johnston, from the select committee to whom the subject was referred, reported,

A bill for an act to divorce John Haynes from Celia Haynes;

Which was read a first and second time, and ordered to be laid on the table, subject to the order of the Council.

Mr. Bailey, in pursuance of notice previously given, introduced a bill to amend "an act to authorize John R. Sparks, and others, to erect a dam across the Des Moines river;

Which was read a first and second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Johnston,

The Council adjourned until 10 o'clock to-morrow morning.

Tuesday Morning, Dec. 14, 1841.

The Council met pursuant to adjournment.

Mr. Browne presented the following report:

The select committee to whom was referred a joint resolution requesting our Delegate in Congress to procure an appropriation sufficient to pay the expenses incurred in the winter of 1839 and '40, incurred in the dispute with Missouri, in relation to the southern boundary, beg leave to report by memorial, and ask the passage of the same, and that they may be discharged from a further consideration of the subject.

The memorial was read a first and second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Bailey offered the following resolution, which was adopted:

Resolved, That there be select committee of three appointed, composed of one from each judicial district, whose duty it shall be to collect all the information they can from various parts of the Territory, relative to establishing new mail routes; also, to inquire into the propriety of vacating certain routes, and increasing the facilities for transporting the mail on routes already established by law; and report by memorial, or otherwise, at their earliest convenience.

Messrs. Bailey, Greene, and Kirkpatrick were appointed said committee.

Mr. Springer offered the following joint resolution:

No. 12, Council file, Joint resolution instructing J. T. Fales and J. W. Woods to employ special messengers to carry letters, &c., from Iowa City to Keosauqua, &c.

The resolution having been read a first and second time, the Council proceeded to consider the same as in committee of the whole, Mr. Browne in the chair;

And after some time spent therein, it was reported to the Council with amendments;

Which were concurred in.

On motion of Mr. Springer,

The rules were suspended, and the resolution was read a third time.

The question was then taken on its passage, and, the yeas and nays being desired by Mr. Kirkpatrick, it was determined in the affirmative.

Those who voted in the affirmative, are

Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Johnston, Leffler, Springer, Wallace and President—11.

In the negative—

Mr. Kirkpatrick—1.

Mr. Browne offered the following resolution, which was adopted.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the practice act, as to permit the plaintiff to swear to his demand, and the defendant to swear to his offset: and further, that the said committee be instructed to inquire into the expediency of so amending the justice's act, as to make it obligatory on the plaintiff, when he commences his action, to file with the justice, in writing, a plain statement of his demand, before the suit is docketed or process issued.

Mr. Greene, from the Committee on engrossed bills, reported as correctly engrossed,

No. 3, Council file, A memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien;

No. 8, Council file, A bill amendatory to an act entitled, an act to authorise John R. Sparks, and his associates to erect a dam across the Des Moines river.

No. 4, Council file, Preamble and joint resolution relative to the establishment of a mail route from Iowa City to Mount Pleasant;

No. 5, Council file, Joint resolution relative to the establishment of a mail route from Iowa City, via Marion, to Dubuque; and

No. 9, Council file, Preamble and resolution relative to the southern boundary line of this Territory.

Mr. Coop, agreeable to notice, had leave and introduced a bill to attach the Indian agency to the county of Jefferson;

Which was read a first and second time, and,

On motion of Mr. Coop,

Referred to the committee on the judiciary.

Mr. Greene gave notice that he should, on some future day, ask leave to introduce the following bills and memorials:

A bill to locate and establish a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh.

A bill to amend an act entitled, an act for opening and regulating roads and highways.

Memorial to Congress for an appropriation to improve the bridge across the Wapsepinacon river, where the Territorial road crosses.

Memorial to the Postmaster General for the establishment of certain post offices.

Memorial to Congress for the establishment of a land office at Marion, in Linn county.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to the propriety of examining and reporting the bill of

the last session regulating the practice in justice's courts, &c, submmitted the following report:

That they have made diligent search and inquiry for the bill referred to in the above resolution, and are unable to find the same; and that, in addition to this fact, they deem it inexpedient to report a new law relating to the duties of justices of the peace, at the present session, the law on that subject now in force, being well understood by the people, and those whose duty it is to act under its provisions; and that, if properly amended, it will sufficiently meet the wants and wishes of the people for the present.

They, therefore ask the adoption of the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

The report was concurred in, and the resolution adopted.

Mr. Coop offered the following resolution:

Resolved, That there be printed 100 additional copies of the report communicated to the Council on yesterday by Jesse Williams, Territorial agent, for the use of the Council.

Mr. Springer moved to amend the resolution, so as to include the accompanying documents, and the report of Chauncy Swan, superintendent;

And the resolution, thus amended, was adopted.

No. 8, Council file A bill amendatory to an act to authorise John R Sparks and his associates to erect a dam across the Des Mones river, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 3. Council file, Memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien, was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives accordingly.

No. 4, Council file, Preamble and joint resolution requesting our Delegate in Congress to use his influence to procure the establishment of a mail route from Iowa City to Mount Pleasant, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 5, Council file, Joint resolution requesting our Delegate to procure the establishment of a mail route from Iowa City, via Marion, to Dubuque, was,

On motion,

Referred to a select committee on mail routes, consisting of Messrs. Bailey, Greene, and Kirkpatrick.

No. 9, Council file, Preamble and resolution in relation to the southern boundary line of this Territory, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Hall gave notice that he should, at some future time, ask leave to introduce a memorial to the Congress of the United States, asking an appropriation in money to be expended on the National road between Iowa City and the southern boundary line of this Territory.

No. 10, Council file, A bill for an act to divorce John Haynes from Celia Haynes, was taken from the table, and,

On motion of Mr. Johnston,

Read a third time.

The question being on the passage of said bill, Mr. Springer called the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Leffler, and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So said bill was passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Bailey, in accordance with previous notice, asked and obtained leave to introduce [a bill, Council file, No. 14, amendatory to] an act entitled an act organizing a board of county commissioners in each county in this Territory,

Which was read a first time, and,

On motion,

Laid on the table.

Mr. Johnston, in accordance with previous notice, asked and obtained leave to introduce,

No. 15, Council file, Resolution in relation to purchase of Indian country,

Which was read a first and second time, and,

On motion,

The rules were suspended, and said resolution was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Fales, their Clerk:

"Mr. PRESIDENT—I herewith return for your signature—

A joint resolution authorizing the Secretary of the Territory to effect a loan of money, to pay the members of both branches of the Legislature their milage.

The same having been signed by the Speaker of the House of Representatives."

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

Wednesday Morning, Dec. 15, 1841.

The Council met pursuant to adjournment.

Mr. Coop offered the following resolution, which was adopted:

Resolved, That the select committee on mail routes be instructed to inquire into the expediency of including, in a memorial to Congress on the subject, the following routes, to wit:

From Fort Madison, in Lee county, to Fairfield, in Jefferson county; also,

From Iowa City, in Johnson county, to Iowaville, in Van Buren county, via Washington and Brighton, in Washington county, and Fairfield, in Jefferson county.

Mr. Springer, from the joint committee on enrollments, reported, that he had, on yesterday, presented to the Governor, for his signature—

No. 1, Council file, A joint resolution authorizing the Secretary of the Territory to effect a loan of money, to pay the members of both branches of the Legislative Assembly their milage.

Mr. Johnston, from the committee on the judiciary, to whom was referred a bill to attach the Indian agency to the county of Jefferson, reported a substitute therefor, entitled,

A bill for an act to attach the Indian country, lying west and north, to the several organized counties of this Territory which it adjoins, for judicial purposes;

Which was read, and laid on the table.

Ordered, That the usual number of copies be printed.

Mr. Johnston, from the committee on the judiciary, reported a bill to change the time of holding the district court in the second judicial district;

Which was read, and ordered to be printed.

The President laid before the Council a communication from William J. A. Bradford, prosecuting officer for the third judicial district, on the subject of his compensation;

Which was read, and referred to the committee on the judiciary.

On motion of Mr. Johnston,

Ordered, That the members from Dubuque and Jackson counties be added to said committee.

The President laid before the Council the annual report of Morgan Reno, the Librarian; *(See Appendix.)*

Which was read, and referred to the committee on the Library.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

No. 11, Council file, Memorial to Congress praying an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

On motion of Mr. Springer;

The Council proceeded to consider, as in committee of the whole, a bill to amend "an act providing for the appointment of a Superintendant of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes," Mr. Bainbridge in the chair;

And after some time spent therein, the bill was reported to the Council with an amendment; which was concurred in.

Ordered, that the same be engrossed and read the third time to-morrow.

Mr. Bainbridge gave notice that he should, on to-morrow, or some future day, ask leave to introduce

A memorial to Congress for the improvement of the harbor of Dubuque.

No. 5, Council file, A bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to taking preparatory steps for their admission into the Union, was,

On motion of Mr. Hastings,

Referred to the committee on Teritorial affairs.

Mr. Greene, in accordance with previous notice, asked and obtained leave to introduce

No. 18, Council file, A memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers;

Which was read a first and second time, and,

On motion of Mr. Greene,

Ordered to be engrossed for a third reading on to-morrow.

No. 11, Council file, A memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri in relation to the southern boundary line, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Wallace moved to take the resolution from the table, authorizing the appointment of a committee, whose duty it shall be to ascertain whether either of the editors in this city will print the journals of the Council, at the price usually allowed, and furnish the daily slips free of charge.

Upon which, Mr. Bainbridge called the yeas and nays.

Mr. Hastings moved a call of the Council.

Which was ordered, and, on the Secretary calling the roll, Mr. Coop was absent.

The absentee appearing.

On motion of Mr. Johnston,

A further call of the Council was dispensed with.

The question being upon taking the resolution from the table, the vote stood as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the Council refused to take said resolution from the table.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

Thursday Morning, Dec. 16, 1841.

The Council met pursuant to adjournment.

Mr. Hastings, by unanimous consent, introduced

No. 19, Council file, A joint resolution authorizing payment to Messrs. Russell & Hughes, and William W. Coriell, for printing the journals of the Council and House of Representatives, of the session of 1840 and '41.

The resolution was read a first and second time, and referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

No. 18, Council file, Memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers, and

No. 3, Council file, A bill to be entitled "an act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

Mr. Hastings, agreeable to notice, asked and obtained leave to introduce

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City;

Which was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on incorporations.

Mr. Johnston, from the judiciary committee, reported

No. 6, Council file, A bill to amend "an act to prevent the selling of spirituous liquors to the Indians, and for other purposes," with several amendments.

On motion of Mr. Wallace,

The Council proceeded to consider said bill as in committee of the whole, Mr. Coop in the chair;

And after some time spent therein, it was reported to the Council, with an amendment;

Which was concurred in.

On motion of Mr. Bainbridge,

The bill was then referred to a select committee, consisting of Messrs. Bainbridge, Wallace, and Bailey.

Mr. Greene offered

No. 21, Council file, A joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution;

Which was read a first and second time, and ordered to be engrossed and read the third time tomorrow.

Mr. Coop, agreeably to notice, asked and obtained leave to introduce

No. 22, Council file, A bill to amend the militia law;

Which was read a first and second time, and,

On motion of Mr. Greene,

Ordered, That the usual number of copies be printed.

Mr. Greene, agreeably to notice, asked and obtained leave to introduce

No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh;

Which was read a first and second time, and ordered to be engrossed and read the third time to-morrow.

Mr. Hall gave notice that he should, on to-morrow, or some future day, ask leave to introduce

A bill to increase the jurisdiction of justices of the peace in this Territory.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Friday Morning, Dec. 17, 1841.

The Council met pursuant to adjournment.

Mr. Johnston offered the following resolution:

Resolved, That the select committee on mail routes be instructed to enquire into the expediency of including, in a memorial to Congress on the subject, a mail route from Fort Madison to Iowa City, via Mount Pleasant, in Henry county.

The resolution was adopted.

Mr. Wallace, from the committee on claims, to whom was referred

Council file, No. 19, Joint resolution authorizing payment to Russell & Hughes, and W. W. Coriell for printing the Journals of the Council and House of Representatives, for the session of 1840 and '41, reported the same with an amendment;

Which was agreed to.

On motion of Mr. Bailey,

The Council proceded to consider, as in comittee of the whole, said joint resolution, Mr. Greene in the chair; and after some time spent therein, it was reported to the Council without amendment.

On motion of Mr. Wallace,

It was laid upon the table subject to the order of the Council.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City, reported the same, with two additional sections;

Which were agreed to.

The bill was then read the second time, and

On motion of Mr. Springer,

The Council proceeded to consider the same, as in committee of the whole, Mr. Hall in the chair; and after some time spent therein, it was reported to the Council without amendment.

On motion of Mr. Hastings,

Ordered, that the bill be engrossed and read a third time to-morrow.

Mr. Hastings, agreeably to notice, asked and obtained leave to introduce No. 24, Council file, A bill to incorporate the First Universalist Society of Iowa City;

Which was read a first and second time, and referred to the committee on incorporations.

A message from the House of Representatives, by Mr. Fales, their Clerk:

"Mr. President—The House of Representatives have passed

No. 7, House of Representatives file, Entitled "an act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri, in which the concurrence of the Council is requested.

The House have also adopted the following resolution:

Resolved, The Council concurring herein, That the House adjourn on Wednesday, 22d instant, until Monday, the third of January 1842."

Mr. Bainbridge offered the following resolution:

Resolved, That the committee on post routes be instructed to enquire into the expediency of memorializing Congress on the subject of establishing a weekly mail route between Dubuque and Iowa City, via Marion.

The resolution was adopted.

Mr. Johnston, from the judiciary committee made the following report:

The committee on the judiciary, to whom was referred the communication of W. J. A. Bradford, Esq., District Prosecutor of the 3d Judicial District, relative to the compensation of District Prosecutors, in the Territory, beg leave to report

That the whole subject of costs and fees having been referred, by a resolution of the Council, to the standing committee on finance, and as the above communication will come properly under their examination, and as it is advisable that they may have full information on this subject, they recommend the reference of said communication to said committee, and ask the adoption of the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

On the question "will the Council concur in the report of the committee," It was determined in the negative.

On motion of Mr. Bailey,

Leave was given to the committee to withdraw said report.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 21. Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution; and

No. 23, Council file, A bill establishing and locating a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh.

Mr. Hastings, agreeably to notice, asked and obtained leave to introduce

No. 25, Council file, A bill to enforce the observance of the Sabbath;
Which was read a first and second time; and

On motion of Mr. Bailey,

Laid on the table, and ordered to be printed.

Mr. Johnston, from the committee on the judiciary, reported

A bill to legalize the election of George L. Coe, as Judge of Probate in Louisa county;

Which was read the first and second times, and ordered to be engrossed and read the third time.

No. 7, Council file, A bill to amend "an act to organize, discipline and govern the militia of this Territory," was,

On motion of Mr. Wallace,

Laid upon the table, subject to the order of the Council.

No. 16, Council file, A bill for an act to attach the Indian country, lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes; was

On motion of Mr. Greene,

Ordered to be engrossed and read the third time to-morrow.

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District, was,

On motion of Mr. Hastings,

Laid upon the table, subject to the order of the Council.

No. 3, Council file, A bill for an act, supplementary to "an act providing for the appointment of a Superintendent of public buildings at Iowa City, and the appointment of a Territorial agent, and for other purposes,"

Was read the third time and passed.

No. 18, Council file, Memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers;

Was read a third time and passed.

No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution;

Was read a third time and passed.

No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh;

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 7, House of Representatives file, An act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river opposite St. Francisville, Missouri;

Was read a first and second time, and on the question, shall the bill be read a third time on to-morrow,

The yeas and nays were called by Mr. Hastings, and decided in the affirmative,

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—12.

NAY—Mr. Hastings—1.

On motion of Mr. Wallace,

The Council concurred in the resolution of the House of Representatives,

to adjourn on Wednesday, 22d inst., until Monday the 3d of January, 1842.

Mr. Browne gave notice that on to-morrow, or some future day, he should ask leave to introduce a memorial to the Congress of the United States, to abolish the Indian agency system, and create, in lieu thereof, a Factor or Government agent, whose duty it shall be to furnish the different Indian tribes with rations and such Indian goods as are adapted to their habits and convenience, and promote their comforts.

Mr. Bainbridge moved, to take from the table the resolution offered by Mr. Wallace in relation to the printing the Journals of the Council.

Mr. Hastings called the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings and President—5.

So the resolution was taken from the table.

Mr. Greene moved, to indefinitely postpone said resolution;

Which was decided in the affirmative.

Mr. Wallace called the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the resolution was indefinitely postponed.

A message was received from the Executive, by Mr. Stull, Secretary of the Territory.

On motion of Mr. Bailey,

Ordered, That the same be taken into consideration on to-morrow.

On motion,

The Council adjourned until ten o'clock to-morrow morning.

Saturday Morning, Dec. 18, 1841.

The Council met pursuant to adjournment.

A message from the House of Representatives was received through Mr. Fales, their clerk.

"Mr. PRESIDENT—The House of Representatives have passsed—

No. 10, Council file, A bill to divorce John Haynes from Celia Haynes.

No. 15, Council file, A resolution in relation to purchase of Indian country. Also,

No. 1, House of Representatives file, A joint resolution to provide for the sale of the surplus copies of the statutes of this Territory.

In which the concurrence of the Council is requested.

The House have indefinitely postponed—

No. 12, Council file, A joint resolution instructing the Chief Clerk of the

House and the Secretary of the Council to employ special messenger to carry letters, papers, &c., from Iowa City to Keosauqua and Dubuque."

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City.

No 26, Council file, A bill to legalize the election of Geo. L. Coe, as Judge of Probate in Louisa county. And,

No. 16, Council file, A bill for an act to attach the Indian country lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes.

Mr. Greene, from the committee on incorporations, reported No. 24, Council file, without amendment.

Report concurred in.

On motion of Mr. Hastings,

Ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Coop,

The Council proceeded to consider, as in committee of the whole, No. 22, Council file, A bill to amend the militia law, Mr. Johnston in the chair.

After some time spent therein, it was reported to the Council, with an amendment.

Which was concurred in.

On motion of Mr. Springer,

The said bill was referred to the committee on military affairs.

Mr. Hastings moved that No. 19, Council file, be taken from the table. Agreed to.

Mr. Hastings offered the following amendments:

After the word "authorized," in the 16th line, strike out the words "issue bonds," and insert the words "to pay out of any money that may be hereafter appropriated to defray the expenses of the Legislative assembly." In the 17th line, strike out the word "for." Strike out all after the word "respectively."

Mr. Bainbridge moved, to strike out of the amendment the words "that may be hereafter," and insert the words "that may have been;" which was lost.

The question recurring upon the original amendment, was agreed to.

On motion of Mr. Hastings,

Ordered to be engrossed and read a third time on Monday next.

No. 16, Council file, A bill for an act to attach the Indian country lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes, was read a third time and passed.

No. 20, Council file, A bill to incorporate the "Mechanics' Mutual Aid Association of Iowa City," was read a third time and passed, and the title so amended as to read, a bill to incorporate the "Iowa City Mechanics' Mutual Aid Association."

No. 26, Council file, A bill to legalize the election of George L. Coe, as Judge of Probate in Louisa county, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 1, House of Representatives file, A joint resolution to provide for the

sale of the surplus copies of the statutes of this Territory, was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on Teritorial affairs.

No. 7, House of Representatives file, "An act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr. Springer,

The Council went into executive session.

The Council again resumed its regular session.

Mr. Wallace offered the following:

Resolved, The House concurring herein, that the Council adjourn on the 22d inst., until Monday the 3d day of January, 1842.

The question being upon the adoption of the resolution, the yeas and nays were called by Mr. Hastings.

Decided in the affirmative.

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Wallace, and President—9.

NAYS—Messrs. Bailey, Greene, Hastings, and Springer—4.

On motion,

The Council adjourned until Monday morning 10 o'clock.

Monday Morning, Dec. 20, 1841.

The Council met pursuant to adjournment.

A message from the House of Representatives was received through Mr. Fales, their clerk.

"Mr. PRESIDENT—The House of Representatives have passsed—

No. 4, Council file, A bill authorizing the commissioners of Linn county to re locate a certain Territorial road.

No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck, in Lee county, to Fairfield, in Jefferson county.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians."

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant.

In which the concurrence of the Council is requested."

Mr. Bailey offered the following:

Resolved, That Doct. Reynolds, Superintendent of Public Instruction, be permitted to take a seat within the bar of the Council. Adopted.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

Council file, No. 19, Joint resolution authorizing payment to Russell & Hughes, and W. W. Coriell for printing the Journals of the Council and House of Representatives; and,

No. 24, Council file, A biil to incorporate the First Universalist Society of Iowa City.

Mr. Bailey requested leave of absence for Mr. Leffler,

Which was granted.

Mr. Greene asked leave to introduce the following, which was granted;

No. 27, Council file, Memorial to Congress for the establishment of a land office at Marion, in Linn county.

Which was read a first and second time.

Ordered to be engrossed and read a third time to-morrow.

Mr. Hastings offered the following:

Resolved, That the committee on post routes be instructed to inquire into the expediency of memorializing Congress for the establishment of a mail route from Knoxville, Ill., via Millersburgh, Ill., via Bloomington, Iowa, to Iowa City; and for the establishment thereon of a weekly four horse post-coach from Knoxville to Bloomington, and a semi-weekly four horse post-coach from Bloomington to Iowa City; and also, for the establishment of a mail route from Bloomington, Iowa, via Moscow, Rochester, and Tipton, of Cedar Co., Iowa; and for the establishment thereon of a weekly two horse post-coach; and also, for the establishment of a mail route from Bloomington, Iowa, via Storm's Settlement, in Muscatine county, via Fredonia and Columbus City, of Louisa county, to Washington, of Washington county, Iowa Territory. Which was adopted.

No. 24, Council file, A bill to incorporate the First Universalist Society of Iowa City;

Was read a third time, passed, and title agreed to.

No. 19, Council file, A resolution authorizing payment to Russell & Hughes and William W. Corriell, for printing the Journals of the Council and House of Representatives;

Was read a third time by its title and passed.

Mr. Greene gave notice of his intention to introduce, on to-morrow,

A bill to set Clinton county apart for the election of a representative.

Mr. Hastings asked leave to introduce the following, which was granted:

Resolved, That John B. Russell, editor of the Bloomington Herald, print one hundred and fifty copies of the Journal of the Council, and deliver the same to the Secretary of the Territory within four months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Russell the prices heretofore paid for such work.

Mr. Wallace moved that it be laid upon the table.

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Browne, Hall, Springer, Wallace, and President—5.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston, and Kirkpatrick—7.

On motion of Mr. Coop,

It was referred to a committee of the whole, and made the order of the day for to-morrow.

No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck in Lee county, to Fairfield in Jefferson county;

Was read a first and second time, and,

On motion of Mr. Johnston,

The rule was suspended, and read a third time by its title.

On motion of Mr. Bailey,

Laid upon the table, subject to the order of the Council.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians;"

Was read a first and second time, and referred to the select committee to which was referred Council file, No. 6.

On motion of Mr. Bainbridge,

Mr. Springer was added to this committee.

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant;

Was read a first and second time, and,

On motion of Mr, Wallace,

Was laid upon the table, subject to the order of the Council.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 1, House of Representatives file, A joint resolution to provide for the sale of the surplus copies of the Statutes of this Territory, with the following amendment:

Strike out, in the 21st line, the word "Secretary," and insert "Treasurer."

Which was concurred in, and ordered to a third reading.

Mr. Coop gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a memorial to Congress on the subject of establishing a land office in the town of Fairfield, in Jefferson county.

On motion of Mr. Hastings,

No. 25, Council file, A bill to enforce the observance of the Sabbath, was taken from the table.

On motion of Mr. Coop,

The Council was resolved into a committee of the whole on said bill, Mr. Springer in the chair;

After some time spent therein, the bill was reported back to the Council, with an amendment; which was concurred in.

On motion of Mr, Hastings,

It was referred to a select committee of one from each judicial district.

Messrs. Hastings, Kirkpatrick, and Wallace were appointed said committee.

On motion,

The Council adjourned until to-morrow morning 10 o'clock.

Tuesday Morning, Dec. 21, 1841.

The Council met pursuant to adjournment.

Mr. Hastings offered the following:

Resolved, That each religious denomination applying for the use of the Council Room, for religious worship, shall be permitted to occupy the same in regular succession. No one denomination to occupy it for more than one service on each day, when any other denomination desire its use; which,

On motion of Mr. Johnston,

Was laid upon the table.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 27, Council file, Memorial to Congress for the establishment of a Land Office at Marion in Linn county.

Mr. Hastings reported

No. 29, Council file, A bill to incorporate the First Methodist Protestant Church, of Iowa City;

Which was read a first and second time, and

On motion of Mr. Bailey,

Referred to the committee on incorporations.

Mr. Springer, from the joint Committee on enrollments, reported

No. 4, Council file, An act authorizing the commissioners of Linn county to relocate all that portion of the Territorial road established from Iowa City to Prairie du Chien, that passes through the town of Marion in said county.

No. 10, Council file, An act to divorce John Haynes from Celia Haynes; and

No. 15, Council file, Resolution in relation to purchase of Indian country,

As correctly enrolled.

Mr. Bailey, from the select committee appointed, in accordance with the resolution requiring information to be collected from various parts of the Territory, relative to the importance of increasing the mail facilities within the limits of the same, reported

That they have, as they believe, made all the requisite inquiry, and ask leave to report

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein mentioned;

Which was read a first time, and

On motion of Mr. Hastings,

Ordered to be printed.

Mr. Browne, in accordance with previous notice, had leave and introduced

No. 31, Council file, Preamble and joint resolution requesting our Dele

gate in Congress to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.;

Which was read a first and second time, and

Ordered to be engrossed for a third reading on Monday, Jan. 3d, 1842.

Mr. Hall, in accordance with previous notice, had leave and introduced No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c.;

Which was read a first and second time, and,

Ordered to be engrossed and read a third time to morrow.

Mr. Browne, in accordance with previous notice, had leave and introduced No. 33, Council file, Joint resolution requesting our Delegate to use his influence in procuring an appropriation for the survey of the northern boundary line of the Half Breed reservation, &c.;

Which was read a first and second time, and,

On motion of Mr. Hastings,

Referred to the committee on the judiciary.

No. 27, Council file, Memorial to Congress for the establishment of a Land Office at Marion, in Linn county;

Was read a third time, by its title, and passed.

Mr. Bainbridge, from the select committee to which was referred No. 8, House of Representatives file, A bill to amend an act, entitled "an act to prevent the selling of spirituous liquor to the Indians," reported the same back with several amendments, and asked to be discharged from the further consideration of the subject.

Report concurred in, and committee discharged; and,

On motion of Mr. Hastings,

Ordered to be laid upon the table until the 2d Monday in January, 1842.

No. 1, House of Representatives file, A joint Resolution to provide for the sale of the surplus copies of the Statutes of this Territory;

Was read a third time and passed.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral districts;

Which was read a first and second time, and

Ordered to be engrossed and read a third time to morrow.

Mr. Hastings, from committee on Territorial Affairs, reported No. 28, Council file, A bill for an act to provide for the formation of a Constitution and State Government of the Territory of Iowa;

Which was read a first time and ordered to be printed.

Mr. Hastings moved, that the Council resolve itself into a committee of the whole on the resolution giving the printing of the Journals to John B. Russell, Editor of the Bloomington Herald, which was made the order of the day, for to-day, Mr. Kirkpatrick in the chair.

After some time spent therein, the committee rose and reported back with one amendment,

Which was concurred in.

Mr. Springer moved, to strike out the name of John B. Russell and insert the name of William Crum, Editor of the Iowa City Standard.

Mr. Wallace called for a division of the question,

Which was had, and decided in the negative.

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Hall, Springer, Wallace and President—5.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Kirkpatrick—7.

Mr. Springer moved, to strike out the name of John B. Russell and insert that of N. Jackson, Editor of the Iowa City Argus;

Which was decided in the negative.

Mr. Springer called the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Springer and Wallace—3.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and President—9.

Mr. Parker moved, to strike out the name of John B. Russell, and insert that of Andrew Logan, Editor of the Davenport, Iowa Sun. Lost.

Mr. Parker called for the yeas and nays,

Which were as follows:

YAES—Messrs. Wallace and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Springer—10.

Mr. Wallace moved, to strike out the name of John B. Russell, and insert that of Van Antwerp & Hughes. Lost,

Mr. Wallace called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Wallace and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Springer—10.

Mr. Bainbridge moved, that it be laid upon the table;

Which was lost.

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne and Wallace—3.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—9.

Mr. Hastings moved, the adoption of the resolution;

On which the yeas and nays were called for by Mr. Springer,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrtck and President—9.

NAYS—Messrs. Browne, Springer and Wallace—3.

So said resolution was adopted.

The following message was received from the House of Representatives, through Mr. Fales, their Clerk:

"Mr. PRESIDENT—The House of Representatives have passed

No. 11, House of Representatives file, An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

The House have concurred in the resolution of the Council to adjourn on Wednesday the 22d inst., until Monday the 3d day of January.

I, herewith, present for your signature,

An act to locate a Territorial road from West Point, in Lee county, to the anding on the Des Moines river, opposite St. Francisville, Missouri, the ame having been signed by the Speaker of the House of Representatives.

I also return for your signature, three enrolled bills which have been signd by the Speaker of the House of Representatives."

On motion,

The Council adjourned until ten o'clock to-morrow morning.

Wednesday Morning, Dec. 22, 1841.

The Council met pursuant to adjournment.

Mr. Springer, from the joint committee on enrollments, reported

That the committee presented, on the 21st inst., to his Excellency, the Governor, for his approval and signature:

"An act to divorce John Haynes from Celia Haynes,

"A Resolution in relation to purchase of Indian country; and

"An act authorizing the Commissioners of Linn county to re-locate all that ortion of the Territorial road established from Iowa City to Priarie du Chien, hat passes through the town of Marion, in said county."

Mr. Wallace moved the adjournment of the Council.

On which the yeas and nays were called by Mr. Greene,

And were as follows:

Yeas—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

Nays—Messrs. Coop, Greene and Kirkpatrick—3.

So the Council adjourned until Monday morning, January 3d, 1842.

Monday Morning, Jan. 3, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented a petition from sundry citizens of Linn county, soliciting the Council and House of Representatives to make immediate arrangements for admitting this Territory into the Union as a State; which,

On motion of Mr. Greene,

Was referred to the committee on Territorial affairs.

Mr. Browne presented a petition from sundry citizens of Lee county, praying for a change in the Territorial road from Burlington to Keokuk; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Linn county, praying that Congress may be memorialized in favor of the establishment of a mail route from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road. Also,

The establishment of Post Offices at Friendly Side, Pioneer Grove and Yankee Grove; which,

On motion,

Was referred to the committee on memorials.

Mr. Hastings presented a petition from sundry citizens of Des Moines, Louisa and Muscatine counties, praying for the establishment of another Territorial road from Bloomington to Burlington; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Linn county, praying for a review of that portion of the Territorial road leading from Moscow to Marion; which, with the accompanying certificates, was,

On motion,

Referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Jones and Linn, recommending the passage of an act to open a Territorial road from Cascade, Dubuque county, to Marion, Linn county; which,

On motion of Mr. Greene,

Was referred to a select committee.

Messrs. Greene, Bainbridge and Kirkpatrick were appointed said committee.

Mr. Hastings, from the select committee to which was referred

No. 2, Council file, A bill to establish a Territorial road from Moscow to Iowa City, reported back the same with an amendment,

Which was read a second time by its title; and,

On motion of Mr. Greene,

Laid upon the table subject to the order of the Council.

Mr. Bainbridge, from the select committee to which was referred

No. 6, Council file, reported back the same, which,

On motion of Mr. Springer,

Was ordered to be laid upon the table.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed

No. 31, Council file, Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

No. 32, Council file, Memorial to Congress for an appropriation to complete he National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c.; and,

No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral districts, &c.; approved, July 30th, 1840.

Mr. Hastings asked and obtained leave to introduce

No. 35, Council file, A bill to prevent trespass upon lands;

Which was read a first time, and,

On motion,

The usual number of copies was ordered to be printed.

No. 31, Council file, Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians;

Was read a third time by its title, and passed.

The following message from the House of Representatives, was received through Mr. Faies, Chief Clerk:

"Mr. President—The House of Representatives have passed

No. 10, House of Representatives file, A bill to authorize Wm. Smith and Vincent G. Smith, to keep a ferry across the Mississippi river, in Jackson county.

No. 12, House of Representatives file, A bill to district the county of Jackson into three Commissioners' districts.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque.

No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

No. 26, Council file, A bill to legalize the election of George L. Coe, as Judge of Probate, in Louisa county. Also, with amendments,

No. 11, Council file, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa, and the State of Missouri.

No. 20, Council file, A bill to incorporate the Iowa City Mechanics' Mutual Aid Association.

In which the concurrence of the Council is requested.

I herewith present for your signature

A joint resolution to provide for the sale of the surplus copies of the Statutes of this Territory,

The same having been signed by the Speaker of the House of Representatives,

Which was signed by the President.

No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City;

Was read a third time by its title and passed.

No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral Districts, &c, approved, July 30th, 1840;

Was read a third time, and passed, title agreed to.

No. 11, Council file, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line;

Was read as amended by the House of Representatives.

On motion of Mr. Browne,

The first amendment was not agreed to.

On motion of Mr. Johnston,

The second and third amendments were concurred in.

Ordered, That the Secretary inform the House, accordingly.

No. 20, Council file, A bill to incorporate the Iowa City Mechanics' Mutual Aid Association; came up in order, and,

On motion of Mr. Hastings,

The amendment, made by the House of Representatives, was concurred in.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dnbuque;

Was read a first and second time, and,

On motion of Mr. Johnston,

Was referred to the committee on incorporations.

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county;

Was read a first time, and,

On motion of Mr. Bainbridge,

Was ordered to be laid upon the table subject to the order of the Council.

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners districts;

Was read a first and second time, and,

On motion of Mr. Kirkpatrick,

Was referred to a select committee.

Messrs. Kirkpatrick, Bainbridge and Hastings were appointed said committee.

On motion of Mr. Johnston,

No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck, in Lee county, to Fairfield, in Jefferson county,

Was read a third time and passed; title agreed to.

Mr. Bailey gave notice that he would, on to-morrow, ask leave to introduce a bill entitled

An act requiring Justices of the Peace to give notice to the Clerk of the District Court of their resignations.

On motion,

The Council adjourned until to-morrow morning 10 o'clock.

Tuesday Morning, Jan. 4, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented a petition from sundry citizens of Des Moines county, praying for the passage of a special act appointing commissioners for the ultimate establishment of another Terriiorial road between the town of Bloomington, in Muscatine county, and the town of Burlington, in Des Moines county ; which,

On motion,

Was referred to the committee on roads.

Mr. Johnston presented a petition from sundry citizens of Lee county, praying for the passage of a law authorizing the erection of a wharf and warehouse at Montrose, on the Mississippi river ; which,

On motion,

Was referred to the committee on incorporations.

Mr. Browne presented a remonstrance on the same subject,

Which was referred to the same committee.

Mr. Kirkpatrick presented a petition from sundry citizens of the county of Jackson, praying the location of a Territorial road, commencing at Point Pleasant, in the county of Clinton, and terminating at Dubuque, Dubuque county ; which,

On motion,

Was referred to the committee on roads.

Mr. Browne presented the following :

Resolved, That the committee on finance be instructed to enquire into the expediency of making some statutory provision whereby the holders of scrip issued by the Superintendent of the Penitentiary, may be entitled to interest at six per cent, until paid, and that said committee report by bill or otherwise.

Mr. Bainbridge moved, that the resolution be laid upon the table ;

Which motion was lost ; and,

On the question recurring as to its adoption,

It was carried in the affirmative.

Mr. Springer, from the joint committee on enrollments, reported

That said committee presented to his Excellency, for his approval on the 3d inst.,

An act to locate a Territorial road from West Point, Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri. Also,

A jotnt resolution to provide for the sale of the surplus copies of Statutes of this Territory.

Mr. Springer, from the same committee, reported as correctly enrolled

No. 20, Council file, An act to incorporate the "Iowa City Mechanics' Mutual Aid Association."

No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

No. 26, Council file, An act to legalize the election of George L. Coe, as Judge of Probate in Louisa county.

Mr. Greene from the committee on incorporations, reported back, with one amendment,

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque.

The amendment of the committee was concurred in, and the bill was ordered to be read a third time to-morrow.

No. 35, Council file, A bill to prevent trespass on lands;

Was read a second time, and,

On motion,

The Council resolved itself into a committee of the whole, Mr. Springer being in the chair.

After sometime spent therein, the committee reported said bill back with several amendments.

On motion of Mr. Kirkpatrick,

The second section was determined to be stricken out.

On motion of Mr. Hastings,

The bill was referred to a select Committee.

Messrs. Hastings, Bainbridge and Hall were appointed said committee.

No. 3, Council file, A bill providing for a special term of the Supreme Court, and for other purposes; was now taken up.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, Mr. Johnston being in the chair.

After sometime spent in its consideration, the same was reported back with several amendments.

Mr. Bainbridge moved that it be indefinitely postponed. Lost.

The question being on concurring in the amendments made by the committee,

Mr. Bainbridge called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bainbridge, Browne, Hall and Wallace—4.

Mr. Bainbridge moved, that it be referred to the committee on the judiciary.

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall and Wallace—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Springer and President—8.

Mr. Bainbridge moved, that it be laid upon the table until the 4th of July, and called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge and Wallace—2.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—10.

On motion of Mr. Springer,

Ordered, That the bill be engrossed, and read a third time to-morrow.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk:

Mr. President—The House of Representatives have passed

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

In which the concurrence of the Council is requested.

I herewith present for your signiture, three enrolled bills, the same having been signed by the Speaker of the House of Representatives:"

Which were signed by the President.

Mr. Coop, in accordance with previous notice, asked and obtained leave to introduce

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield, in Jefferson county;

Which was read a first and second time, and,

On motion,

Ordered to be engrossed, and read a third time to-morrow.

Mr. Bailey introduced

No. 37, Council file, A bill entitled an act requiring Justices of the Peace to give notice to the Clerk of the District Court, of their resignations;

Which was read a first and second time, and,

On motion of Mr. Johnston,

Referred to the committee on the judiciary.

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river in Scott county;

Was read a first and second time, and,

On motion of Mr. Hall,

Ordered to be read a third time to-morrow.

Mr. Greene gave notice of his intention to ask leave to introduce, to-morrow, the following:

A bill to incorporate the Washington Manufacturing Company.

A bill to incorporate the Methodist Episcopal Church of Marion.

A bill to incorporate the Peekaton Manufacturing company.

On motion,

The Council adjourned until ten o'clock to-morrow morning.

Wednesday Morning, Jan. 5, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented a petition from sundry citizens of Linn county, remonstrating against any alterations in the Territorial road from Moscow to Marion; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the memorial of T. S. Parvin, asking compensation for services as private secretary to the Governor, during the first session of the Iowa Legislature; which,

On motion,

Was referred to the committee on claims.

Mr. Hastings presented the claim of William Greene, on the Territory, for binding certain books; which,

On motion,

Was referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 3. Council file, A bill to change the time of holding the Supreme Court, and for other purposes.

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield in Jefferson county.

Mr. Springer, from the joint committee on enrollments, reported

That the committee presented, on the 4th inst., to his Excellency, the Governor, for his consideration and approval,

An act to incorporate the "Iowa City Mechanics' Mutual Aid Association."

An act to legalize the election of George L. Coe, as Judge of Probate in Louisa county.

Joint resolution requesting our Delegate, in Congress, to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

Mr. Greene, in accordance with previous notice, asked and obtained leave to introduce

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways, approved, January 17th 1840;

Which was read a ffrst time, and,

On motion,

The usual number of copies was ordered to be printed.

Mr. Hall asked, and obtained leave to introduce

No. 39, Council file, An act to amend an act, entitled an act to provide for the appointing of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings;

Which was read a first and second time, and referred to the committee on the judiciary.

No. 28, Council file, A bill for an act to provide for the formation of a Constitution and State Government of the Territory of Iowa;

Coming up in order,

Mr. Springer moved, that it be laid upon the table; which was lost.

The bill was read a second time.

Mr. Wallace moved that it be referred to a committee of the whole Council;

Which was lost.

Mr. Springer renewed the motion to lay the bill upon the table.

Which was carried in the affirmative.

No. 11, House of Representatives file, was read a second time, and,

On motion by Mr. Wallace,

Ordered to be read a third time to-morrow.

No. 3, Council file, A bill to change the time of holding the Supreme Court and for other purposes, was read a third time and passed, and

On motion by Mr. Springer,

Its title amended.

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield, in Jeffersonc ounty, was read a third time and passed; title agreed to.

On motion by Mr. Bailey,

No. 14, Council file, A bill amendatory to an act entitled, "an act organizing a board of county commissioners in each county in the Territory," was taken from the table, and

On motion by the same gentleman,

Referred to the committee on judiciary.

On motion by Mr. Browne,

The Council resolved itself into a committee of the whole on No. 7, Council file, A bill to amend an act to regulate, discipline and govern the militia of this Territory;

And, after having made one amendment, reported the same back to the Council, asking their concurrence in the same.

Mr. Bailey moved that it be laid upon the table.

The question being on concurring in the report of the committee, the yeas and nays were called for by Mr. Hastings, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace, and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hall, and Kirkpatrick—5.

So the report was concurred in.

Mr. Hall moved that the first section be stricken out.

Mr. Coop moved to amend the amendment by adding to the first section, after the words, "in time of peace, who shall," the words "do and perform labor on the public roads and highways, the same number of days which may be required, under the militia law, for military duty."

Mr. Greene moved, to refer the bill to a select committee.

Mr. Hastings moved, a call of the Council; which was had, all the members answering to their names, Messrs. Johnston and Leffler excepted.

On motion of Mr. Hastings,

The farther call of the Council was dispensed with.

Mr. Springer called for the yeas and nays, on Mr. Greene's motion,

Which were as follows:

YAES—Messrs. Bailey, Coop, Greene and Hall—4.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6. Lost.

The question recurring on Mr. Coop's amendment,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bailey, Coop, Greene and Kirkpatrick—4.

NAYS—Messrs. Bainbridge, Browne, Hall, Hastings, Springer, Wallace and President—7. Lost.

Mr. Hall called for the yeas and nays on the original amendment,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston and Kirkpatrick—6.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6. Lost.

Mr. Bailey moved, that the bill be laid upon the table subject to the order of the Council;

On which the yeas and nays were called for, by Mr. Bainbridge,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston and Kirkpatrick—6.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6.

So the amendment was lost.

Mr. Bainbridge moved, that the Council adjourn;

On which the yeas and nays were called for, by Mr. Greene,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Johnston, Kirkpatrick and Springer—6. Lost.

On motion of Mr. Bailey,

The bill was ordered to be laid upon the table until Monday next.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk;

"Mr. PRESIDENT—The House of Representatives have passsed—

No. 8, Council file, A bill amendatory to an act, entitled an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river."

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river in Scott county;

Was read a third time, and passed; title agreed to.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque;

Was read a third time, and passed; title agreed to.

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes, therein mentioned;

Was read a second time, and,

On motion of Mr. Greene,

Referred to a select committee.

Messrs. Greene, Springer and Browne, were appointed said committee.

Mr. Hall gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill for an act, supplementary to an act regulating marriages, &c., approved, January 6th, 1840.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th 1840.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.

Thursday Morning, Jan. 6, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed, with amendments,

No. 3. Council file, A bill for an act to provide for a special term of the Supreme Court, and to change the time of holding the annual session of the same.

In which the concurrence of the Council is requested."

Mr. Greene presented a petition from sundry citizens of Linn county, praying for the establishment of a Territorial road, beginning at Thomas Lingle's mill, in Johnson county, and terminating at Marion, in Linn county; which,

On motion,

Was referred to a select committee composed of the members from Muscatine, Johnson, Cedar, Linn and Jones.

Mr. Bailey presented the following:

Resolved, That the committee on Territorial affairs, be instructed to enquire into the expediency of authorizing the Territorial agent, by law, (or any other proper authority) immediately to enter into contract with any person or persons, exacting from said person or persons, bonds with sufficient security, for the completion of the Capitol of this Territory. Which contract shall, in substance, be as follows, *to-wit:* That the person or persons referred to above, shall pay all the debts that have accrued against the Territory for work done, materials furnished, and money borrowed for the completion of said Capitol, and remaining unpaid, complete said Capitol at some reasonable specified time, in accordance with the plan already commenced; secure the Territory from any expense in the completion of said Capitol.—That the Agent, on the part of the Territory, give up all the notes and accounts in his hands, due the Territory for lots sold in Iowa city, for the completion of the Capitol, with a deed of conveyance of all the lots in said city,

except those reserved by the Territory for religious and educational purposes, to the person or persons with whom he contracts. And that the committee be required to report by bill or otherwise;

Which resolution was adopted.

Mr. Hastings from the committee on Territorial affairs, reported

No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate;

Which was read a first and second time, and,

On motion of Mr. Springer,

The usual number of copies were ordered to be printed.

Mr. Hastings, in accordance with yesterday's notice, introduced

No. 41, Council file, A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th, 1840.

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Coop, from the committee on roads, to which was referred

The petition of sundry citizens of the county of Linn, praying a review of the Territorial road from Moscow, via Rochester, to Marion, &c. Also,

The petition of sundry citizens of said county, remonstrating against such review, reported

That said committee have had the same under consideration, and upon a thorough examination of said petitions, find a majority of 47 remonstrating against such review.

Your committee are, therefore, of opinion that the petition praying a review of said road, ought not to be granted, and the committee ask to be discharged from a further consideration of the subject.

On motion,

The report of the committee was concurred in.

Mr. Springer, from the joint committee on enrollments, reported

That said committee have examined an act, amendatory to an act entitled, "an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river," and find the same to be correctly enrolled.

Mr. Greene, from the select committee to which was referred the petition of sundry citizens of Linn county, praying for the establishment of a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county, reported

No. 42, Council file, A bill for the establishment of said road;

Which was read a first and second time, when

Mr. Bainbridge moved, that the Council resolve itself into a committee of the whole on the bill;

On which the yeas and nays were called for, by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Hall, Hastings, Springer, Wallace and President—7.

NAYS—Messrs. Browne, Coop, Greene, Johnston and Kirkpatrick—5.

Carried.

Mr. Kirkpatrick in the chair.

After some time spent in its consideration, it was reported back to the Council with one amendment; which,

On motion,

Was concurred in.

Mr. Hastings offered the following amendment:

"And that the expenses of establishing said road be paid by the county of Linn;"

Which was lost.

On motion of Mr. Greene,

The bill was ordered to be engrossed and read a third time to morrow.

Mr. Johnston, from the committee on the judiciary, reported

No. 43, Council file, A joint resolution providing for publishing the reports of Supreme Court, of —— session, A. D. 1840, and for other purposes;

Which was read a first and second time, and,

On motion,

Ordered to be laid upon the table subject to the order of the Council.

Mr. Browne asked, and had leave to introduce the following:

Resolved, By the Council and House of Representatives of the Territory of Iowa, that George C. Robbins be allowed the sum of thirty-two dollars for engraving and furnishing seals for the District Courts of the counties of Linn and Jones, and for making and furnishing presses for the same; and the Secretary of the Territory is hereby authorized to pay the above amount out of any money, in his hands, not otherwise appropriated;

Which was read, and,

On motion,

Referred to the committee on claims.

No. 11, House of Representatives file, An act to authorize a Territorial road from Deed's mill, on Skunk river, to the boundary line;

Was read a third time, and passed; title agreed to.

The Secretary was instructed to inform the House of Representatives of the same.

No. 38, Council file, A bill to amend an act, entitled "an act for opening and regulating roads and highways," approved, January 17th, 1840.

Was read a second time, and, which,

On motion of Mr. Bailey,

The Council proceeded to consider, as in committee of the whole.

After some time spent therein, the bill was reported back to the Council without amendment; and,

On motion of Mr. Hastings,

Was referred to the committee on roads.

Mr. Browne moved that the Council adjourn.

On which the yeas and nays were called for, by Mr. Hastings,

And were as follows:

YEAS—Messrs. Browne and Hall—2.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Kirkpatrick, Springer, Wallace and President—9. Lost.

No. 3, Council file, A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same,

Came up in order, and,

On motion of Mr. Springer,

Was ordered to be laid upon the table until to-morrow.

Mr. Hastings moved, that the Council adjourn;

On which the yeas and nays were called for by Mr. Browne,

And were as follows:

YEAS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Springer, and President—6.

NAYS—Messrs. Bailey, Browne, Coop, Greene and Wallace—5.

So the Council adjourned until 10 o'clock to-morrow morning.

Friday Morning, Jan. 7, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk;

"Mr. PRESIDENT—The House of Representatives have passsed—

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled 'an act to authorize evidence by the oath of parties.'

No. 21, House of Representatives file, A bill to amend an act entitled 'an act for the support of illegitimate children.'

No. 22, House of Representatives file, A bill defining a lawful fence and providing against trespassing animals.

No. 25, House of Representatives file, A bill to provide for levying a tax on real and personal property for road purposes.

The House have also passed, with amendments—

No. 2, Council file, A memorial for an appropriation to complete the penitentiary.

No. 23, Council, file, A bill to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City.

The House have also passed—

No. 3, Council file, Preamble and resolution requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes in the half-breed Sac and Fox reservation.

The House have receded from their amendment to No. 11, Council file, A memorial to Congress relative to the southern boundary.

I herewith return for your signature—

An act amendatory to an act, entitled 'an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river.'"

Which was signed by the President.

Mr. Springer presented the petition of sundry citizens of the county of Washington, praying that a charter may be granted to W. Pickrell for a mill dam across Skunk river.

Which, on motion,

Was referred to the committee on internal improvements.

Mr. Springer presented a petition from sundry citizens of Washington county, calling the attention of the Legislative Assembly to an act entitled "an act regulating blacks and mulattoes;"

And moved that it be referred to the committee on Territorial affairs.

Mr. Wallace moved to amend the previous motion, by referring the petition to the committee on the judiciary.

Which was carried.

Mr. Greene presented the petition of sundry citizens of Jackson, Jones, Cedar, Linn, and Johnston, praying the establishment of a mail from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road;

Which, on motion,

Was referred to a select committee.

Messrs. Greene, Browne, and Kirkpatrick were appointed said committee.

Mr. Browne, from the committee on military affairs, to whom was referred

No. 22, Council file, A bill to amend the militia law,

Reported that said committee have had the same under consideration, and beg to report the same back to the Council, with an amendment, which is, to strike out the fifth section; and ask to be discharged from a further consideration of the same.

On motion,

The report of the committee was concurred in.

Mr. Greene, from the committee on incorporations, to which was referred

No. 41, Council file, A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved Jan. 13, 1840.

Reported the same back to the Council with one amendment, viz: the addition of a second section, as follows:

"That if said company shall become insolvent, and fail to adjust any of its liabilities, then, and in that case, the stockholders shall be personally responsible for the same."

On motion by Mr. Johnston,

The bill was ordered to be laid upon the table subject to the order of the Council.

Mr. Bailey presented the report of the Superintendent of Public Instruction. *(See Appendix.)*

Which was read, and

On motion by Mr. Wallace,

Referred to the committee on common schools.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

Mr. Greene from the select committee to which was referred

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein mentioned;

Reported the same to the Council with sundry amendments.

Mr. Greene moved that the usual number of copies be printed.

Mr. Springer called for the yeas and nays.

Mr. Bainbridge moved that the word "printed" be stricken out, and the word "re-printed" substituted.

Which was carried.

The yeas and nays were now called on the motion as amended, and were as follows:

YEAS—Messrs. Coop, and Greene—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, Wallace, and President—8. Lost.

On motion,

The report was concurred in.

Mr. Hall moved an amendment, by striking out the word "weekly," in that part of the report which provides for a mail route between Burlington and Keosauqua, and insert the words "semi weekly post coach route."

Which was carried.

Mr. Greene presented an amendment, which was adopted.

On motion by Mr. Wallace,

The memorial was ordered to be laid upon the table, subject to the order of the Council.

Mr. Coop, from the committee on roads, to whom was referred sundry petitions, reported

No. 44, Council file, A bill to review and locate certain Territorial roads therein named.

Which was read a first and second time.

Mr. Johnston moved to amend the first section by inserting the name of Laban B. Fleek.

The amendment was adopted.

On motion,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion.

Which was read a first and second time, and,

On motion,

Ordered to be engrossed and read a third time to-morrow.

No. 2, Council file, A memorial for an appropriation to complete the penitentiary, came up in order, and,

On motion by Mr. Johnston,

The amendments made by the House of Representatives were concurred in.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled "an act to authorize evidence by the oath of parties,"

Was read a first and second time, and,

On motion by Mr. Browne,

Referred to the committee on judiciary.

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's Mill, in Johnson county, to Marion, via Westport, in Linn county;

Was read a third time and passed—title agreed to.

No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City,

Was read, as amended by the House of Representatives, and the amendments concurred in.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to the committee on roads.

No. 21, House of Representatives file, A bill for an act to amend an act entitled "an act to provide for the support of illegitimate children,"

Was read a first and second time, and,

On motion by Mr. Coop,

Referred to the committee on Territorial affairs.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals,

Was read a first and second time, and,

On motion, by Mr. Coop,

Referred to the committee on agriculture.

On motion,

The Council adjourned until 10 o'clock, on Monday morning.

Monday Morning, Jan. 10, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk :

"Mr. President—The House of Representatives have passed

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam across the Wapisipinicon river.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act to locate a Territorial road from Keokuk, in Lee county, to Fairfield in Jefferson county.

An act to incorporate the Mechanics' Institute of Dubuque.

An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

All of which have been signed by the Speaker of the House of Representatives;"

Which were signed by the President.

Mr. Hastings presented the petition of sundry citizens of Township 76, north range, 4 west, praying for the legalization of that part of a certain Territorial road running from Black Hawk, to Iowa City;

Which was read, and,

On motion,

Referred to the committee on roads.

Mr. Hastings asked, and had leave to present the petition of Ross McCloud and Norman B. Seeley, praying an extension of time for the establishment of certain roads; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented the petition of sundry citizens of Johnson and Cedar counties, asking the location of a Territorial road from Iowa City in Johnson county, to Davenport in Scott county;

Which was read, and,

On motion,

Referred to a select committee composed of the Representatives in Council from the 7th and 8th districts.

Mr. Greene presented the petition of sundry citizens of the counties of Cedar and Linn, praying the location of a Territorial road from Bloomington, via Rochester, to Marion; which,

On motion,

Was referred to the committee on roads.

Mr. Hall offered the following:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of incorporating a provision in their bill, amending the tenth article of the Justices' law, as follows:

Where the jury find for the Plaintiff, on an issue joined, or on inquiry of damages, they shall assess adequate damages to the plaintiff for the illegal detention of the property, for which, and the cost of suit, the court shall render judgment;

Which was adopted.

Mr. Bailey offered the following:

Resolved, That the committee on the judiciary be requested to enquire into the expediency of reporting a bill prescribing the manner of redeeming real estate sold under execution;

Which was adopted.

Mr. Wallace, from the committee on claims to whom was referred No. 46, Council file, A resolution with regard to the claim of George C. Robbins, reported back the same without amendment.

On motion,

The report was concurred in.

The resolution was read a second time,

Ordered to be engrossed and read a third time to-morrow.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 7th inst., to his Excellency, the Governor, for his approval

An act amendatory to an act, to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 47, Council file, A bill to amend an act, entitled "an act concerning the custody of persons arrested for crimes and misdemeanors;"

Which was read a first and second time, and,

On motion by Mr. Springer,

The usual number of copies were ordered to be printed.

Mr. Coop, from the committee on internal improvements, reported

No. 48, Council file, A bill for an act to authorize William Pickrell, his heirs and assigns, to construct, keep and maintain, a dam across Skunk river;

Which was read a first and second time, and,

On motion,

Ordered to be engrossed and read a third time to-morrow.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion.

On motion by Mr. Springer,

No. 3, Council file, A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same;

Was taken from the table.

Mr. Springer moved an amendment to the first amendment made by the House of Representatives, by striking out 8, and inserting 10, in 1st section;

Which was carried.

The other amendments made by the House of Representatives,

Were concurred in.

No. 1, Council file, "A bill entitled an act amendatory to an act authorizing Henry Eno, and others, to build a dam across the Des Moines river,"

Being in order, was read a second time, and,

On motion by Mr. Bailey,

Ordered to be engrossed and read a third time to-morrow.

No. 40, Council file, A bill to authorize the Board of Commissioners of each county in this Territory, to appoint an agent to convey and dispose of real estate;

Came up in order, was read a second time, and,

On motion by Mr. Hastings,

Referred to the committee on the judiciary.

Mr. Hastings, from the committee on Public buildings, reported

No. 49, Council file, A bill to provide for the keeping of stallions and jacks; which,

On motion by Mr. Browne,

Was referred to the committee on county and township boundaries.

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion;

Was read a third time, and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have concurred in the amendments made by the Council to the amendments made by the House to No. 3, Council file."

On motion by Mr. Hastings,

No. 28, Council file, A bill for an act to provide for the formation of a constitution and State Government of the Territory of Iowa, was taken from the table.

Mr. Hastings moved, that it be referred to the committee on Territorial affairs.

Mr. Browne, moved, that said bill be referred to a committee of the whole Council;

Which waa lost.

The question being as to referring the bill to the committee on Territorial affairs,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

Yeas—Messrs. Coop, Hastings, Johnston, Kirkpatrick and President—5.

Nays—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Springer, and Wallace—7.

On motion by Mr. Johnston,

The bill was ordered to be laid upon the table subject to the order of the Council.

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam on the Wapisipinicon river;

Was read a first and second time, and,

On motion by Mr. Hastings,

Referred to the committee on incorporations.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county;

Was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on roads.

On motion by Mr. Bailey,

No. 30, Council file, A joint resolution instructing our Delegate in Congress, to use his influence to obtain the establishment of certain mail routes therein mentioned; was taken from the table.

Mr. Bailey offered the following amendment:

After the words "Jefferson county," in the third line of the second section, insert the words "a weekly mail from Fort Madison, in Lee county, to Farmington, in Van Buren county;"

Which was adopted.

On motion by Mr. Greene,

The joint resolution, as amended, was ordered to be engrossed, and read a third time to-morrow.

Mr. Springer, from the joint committee on enrollments, reported as correctly enrolled

No. 3. Council file, An act to provide for a special term of the Supreme Court, and to change the time of holding the same.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians," approved, Jan. 3d, 1839, being the order of the day,

On motion by Mr. Springer,

The Council proceeded to consider the same as in committee of the whole, Mr. Browne in the chair.

After some time spent in its consideration, the bill was reported back to the Council with several amendments.

Mr. Hastings moved, that the bill be indefinitely postponed;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.

On motion,

The report of the committee was concurred in.

Mr. Johnston moved an amendment, by striking out the third section, And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Hall and Johnston—4.

NAYS—Messrs. Bainbridge, Browne, Greene, Hastings, Kirkpatrick, Springer, Wallace and President—8.

Mr. Greene moved, that it be referred to the committee on Territorial affairs;

Which was lost.

Mr. Hastings moved, that it be laid upon the table until January 1st, 1843.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.

Mr. Bainbridge moved, that the Council adjourn;

Which was lost.

Mr. Wallace moved, that said bill be referred to a select committee;

Which was carried.

Messrs. Wallace, Johnston and Springer, were appointed said committee.

The following message was was received from the House of Representatives:

"Mr. PRESIDENT—I herewith, present for your signature,

An act to provide for a special term of the Supreme Court. and to change the time of holding the annual session of the same;

The said act having been signed by the Speaker of the House of Representatives;"

Which was signed by the President.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, Jan. 11, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives:

"Mr. President—The House of Representatives have passsed—

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

In which I am directed to ask the concurrence of the Council.

I herewith return four enrolled bills and memorials for your signature, the same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer offered the following:

Resolved, That the printing of the daily slips of the Journal of the Council be dispensed with during the remainder of the session.

Mr. Coop moved a call of the Council;

Which was had.

Within a short time, the absent members appearing,

On motion by Mr. Browne,

The further call of the Council was dispensed with,

Mr. Hastings offering the following amendment:

"And the Secretary furnish the editors of the newspapers in this city with an extract of the proceeding of the Council daily for publication."

Which was agreed to.

The question being on the adoption of the resolution as amended,

Mr. Springer called for the yeas and nays, which were as follows:

Yeas—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Kirkpatrick, Springer, Wallace and President—11.

Nays—Mr. Johnston—1.

So the resolution was adopted.

Mr. Bailey offered the following:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of reporting a bill requiring every witness, in a limited time after the adjournment of the court, who intends to claim his fees, to file an affidavit, stating the case, the number of days, the number of miles traveled, and the party at whose instance he attends.

Also, requiring Justices of the Peace to make returns four days before the commencement of the term of the Court. Which,

On motion,

Was adopted.

Mr. Bainbridge, from the committee on county and township boundaries, to which was referred

No. 49, Council file, A bill to provide for the keeping of stallions and jacks,

Reported the same to the Council, and recommended its committal to the committee on military affairs.

Mr. Johnston moved that it be laid upon the table, subject to the order of the Council.

On which Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Coop, Greene, Hall, Johnston, Kirkpatrick, Wallace, and President—8.

NAYS—Messrs. Bailey, Browne, Hastings, and Springer—4.

So the motion was carried in the affirmative.

Mr. Coop, from the committee on roads, to which was referred

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways," approved Jan. 17, 1840,

Reported, that they had examined said bill, made one amendment thereto, and asked leave to report the same to the Council.

On motion,

The amendment was adopted, and the report concurred in.

Mr. Bailey moved an amendment, by striking out the word "fifty" and inserting "twenty-five."

Mr. Wallace moved that the bill be re-committed to the committee on roads,

Which was carried.

Mr. Hall, in accordance with previous notice, asked and had leave to introduce

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840.

Which was read a first and second time, and

On motion by Mr. Coop,

The usual number of copies were ordered to be printed.

Mr. Coop, from the committee on roads, to which was referred the petition of sundry citizens of the counties of Cedar and Linn, praying the establishment of a Territorial road from Jackamiah Baldwin's, in Cedar county, to William Abbe's, in Linn county, reported that they had examined said petitions, and asked leave to report a bill in accordance with the prayers of said petitioners.

Which was read a first and second time, and,

On motion by Mr. Greene,

Ordered to be engrossed and read a third time to-morrow.

Mr. Kirkpatrick, from the committee on agriculture, to whom was referred—

No. 22, House of Representatives file, A bill for an act defining a lawful fence and providing against trespassing animals,

Asked leave to report the same back to the Council without amendment.

On motion,

The report was concurred in.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider the bill as in committee of the whole, Mr. Coop in the chair.

After some time spent in its consideration, the bill was reported back to the Council with two amendments.

On motion,

The report was concurred in, and the bill ordered to a third reading.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed—

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein mentioned.

No. 48, Council file, A bill for an act to authorize Wm. Pickrell, his heirs or assigns, to construct, keep and maintain a dam across Skunk river.

No. 1, Council file, A bill entitled an act amendatory to an act authorizing Henry Eno and others to build a dam across the Des Moines river.

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals and a press for the district courts of Linn and Jones counties.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 10th inst., to his Excellency the Governor, for his approval—

No. 3, Council file, An act to provide for a special term of the supreme court, and to change the time of holding the annual session of the same."

And the same was approved and signed by his Excellency, between the hours of 12 o'clock, M., and 1 o'clock, P. M., of said day.

Mr. Springer, from the same committee, reported that they presented, on the 10th inst., to his Excellency the Governor, for his approval—

An act to incorporate the Mechanics' Institute of Dubuque.

An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

An act to locate a Territorial road from Keokuk, in Lee county, to Fairfield in Jefferson county.

Mr. Browne asked and had leave to introduce the following:

Resolved, By the Council, That the committee on the judiciary be instructed to inquire into the expediency of amending generally the law in relation to wills and testaments, and the law regulating courts of probate. Which,

On motion,

Was adopted,

On motion by Mr. Springer,

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals, &c., for the district courts of Linn and Jones counties,

Was re-committed to the committee on claims.

No. 48, Council file, A bill for an act to authorize William Pickrell, his heirs or assigns, to construct, keep and maintain a dam across Skunk river,

Was read a third time and passed—title agreed to.

No. 1, Council file, A bill entitled an act amendatory to an act authorizing Henry Eno and others to build a dam across the Des Moines river,

Was read a third time and passed—title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 39, House of Representatives file, Memorial to Congress for the lo-

cation of mail routes in Iowa Territory, was read a first and second time.

Mr. Greene moved that the memorial be referred to a select committee of one from each judicial district,

Which was carried.

Mr. Johnston moved that

No. 30, Council file, Memorial on the same subject, be referred to the same committee.

Messrs. Greene, Browne and Kirkpatrick were appointed said committee.

No. 47, Council file, A bill to amend an act entitled "an act in relation to the safe custody of persons arrested for crimes and misdemeanors," came up in order, and,

On motion by Mr. Greene,

Was referred to the committee on the judiciary.

No. 22, Council file, A bill to amend the militia law, came up in order, and,

On motion by Mr. Wallace,

The bill was ordered to be laid upon the table, subject to the order of the Council.

Mr. Bailey gave notice, that he would, on to-morrow, ask leave to introduce

A bill to authorize the clerk of the district court to take judgment on confession in vacation.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, Jan. 12, 1842.

The Council met pursuant to adjournment.

Mr. Bailey, from the committee on Common Schools, to which was referred the report of the Superintendent of Public Instruction, reported

That they have had the same under consideration, with a view to the advancement of the cause of education, and have come to the conclusion, for the furtherance of the same, to recommend the passage of the following resolution:

Resolved, That there be printed five hundred copies of the report of the Superintendent of Public Instruction.

Mr. Hastings moved the following amendment:

Resolved, That the report of the Superintendent of Common Schools be published in the different newspapers in the Territory, and that a copy of the same be furnished, by the Secretary, to the editors of the Iowa Capitol Reporter.

Mr. Bailey moved, that the report of the committee, together with the

amendment offered, be laid upon the table subject to the order of the Council;

Which was carried.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk;

"Mr. PRESIDENT—The House of Representatives have passed

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

No. 31, House of Representatives file, An act to repeal an act authorizing a loan of money to be expended upon the Capitol.

No. 33, House of Representatives file, A bill for the incorporation of religious societies.

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams.

No. 36, House of Representatives file, A bill to legalize certain acts of the Board of Commissioners of Clinton County;

In which the concurrence of the Council is requested.

The House have also passed—

No. 31, Council file, Preamble and resolution requesting our Delegate, in Congress, to use his influence to procure a change in the existing system of licensing traders to deal with the Indians."

Mr. Greene, from the committee on incorporations, reported

That they had had under consideration

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others to erect a dam on the Wabesipinicon river;

And begged to report the same to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Springer, from the joint committee on enrollments, reported

That said committee presented to His Excellency, the Governor, for his approval, on the 11th instant:

An act to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City.

Preamble and resolution requesting our Delegate, in Congress, to use his influence to procure a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation.

Memorial for an appropriation to complete the Penitentiary.

A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line.

Mr. Bailey, in accordance with previous notice, offered

No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation;

Which was read a first and second time, and,

On motion by Mr. Greene,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee to which was referred

No. 33, Council file, Joint resolution requesting our Delegate to use his influence in procuring an appropriation for the survey of the northern boundary line of the Half Breed reservation, &c.;

Reported a substitute, which,

On motion,

Was concurred in.

The substitute was read a first and second time, and ordered to be engrossed for a third reading.

Mr. Springer asked and had leave to introduce

No. 53, Council file, A bill for an act to legalize the location of a Territorial road in Henry county;

Which was read a first and second time.

Mr. Wallace moved, that the rules be suspended, and the bill read a third time to-day;

Which was carried;

The bill was read a third time, and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Coop, from the committee on roads, to which was referred

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property, for road purposes; reported

That the above committee have had said bill under examination, and asked leave to report the same back to the Council without amendments.

The report of the Council was concurred in.

On motion by Mr. Springer,

The Council resolved itself into a committee of the whole, on the bill, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

Mr. Johnston moved, that the bill be referred to a select committee of three.

Mr. Hastings, moved to amend, by referring it to a committee of one from each Electoral district;

Which was adopted.

Messrs. Johnston, Hall, Springer, Coop, Leffler, Wallace, Hastings, Greene and Bainbridge, were appointed said committee.

Mr. Greene, from the select committee to which was referred the petition of sundry citizens of Johnson, Cedar and Scott counties, reported

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport, via Rochester, to Iowa City; which,

On motion by Mr. Johnston,

Was referred to a select committe composed of the delegation from Johnson, Muscatine, Cedar, Linn and Jones.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company;

Which was read a first and second time, and,

On motion by Mr. Hastings,

Referred to the committee on incorporations.

Mr. Coop from the committee on roads, to which was referred

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways, approved, January 17th, 1840; reported

That said committee have carefully examined the bill, and begged to report a substitute for the same.

Mr. Hastings moved, that the bill be laid upon the table subject to the order of the Council; which was lost.

On motion,

The report of the committee was concurred in.

The bill was read a first and second time.

Mr. Greene moved, to strike out the words 'twenty-five' and insert 'forty.'

Mr. Wallace moved, that it be laid upon the table and made the order of the day for Monday next. Carried.

Mr. Hastings moved, that the Council adjourn;

On which the yeas and nays were called for by Mr. Bainbridge,

And were as follows:

YEAS—Messrs. Hastings, Johnston, Leffler and Wallace—4.

NAYS—Messrs. Bailey, Bainbridge Coop, Greene, Kirkpatrick, Springer and President—7.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals;

Came up in order for a third reading.

Mr. Hastings moved, that it be laid upon the table, and made the order of the day for Monday next. Lost.

Mr. Hastings moved that it be laid upon the table subject to the order of the Council. Lost.

Mr. Hastings moved a call of the Council, which was had, the following gentlemen answering to their names:

Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President.

On motion by Mr. Greene,

The further call of the Council was dispensed with.

Mr. Hastings moved that the Council adjourn;

On which the yeas and nays were called for by Mr. Greene,

And were as follows:

YEAS—Messrs. Bainbridge, Hall, Hastings, Johnston, Kirkpatrick, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Coop, Greene, Springer and President—5.

So the Council adjourned until to-morrow morning at 10 o'clock.

Thursday Morning, Jan. 13, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb to sell certain real estate.

No. 43, House of Representatives file, A bill to amend an act establishing the office of Judge of Probate.

In all of which, the concurrence of the Council is requested.

The House have indefinitely postponed

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion;

And have passed

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county."

Mr. Greene, from the committee on engrossed bills, reported that they have examined

No. 33, Council file, A joint resolution instructing our Delegate in Congress, to use his influence in procuring a confirmation of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county, and find it to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to which was referred No. 65, Council file, A bill to incorporate the Washington Manufacturing Company, reported the same to the Council without amendment.

On motion,

The report of the committee was concurred in, and,

On motion by Mr. Springer,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hall being in the chair.

After some time spent in its consideration, it was reported back to the Council with sundry amendments.

The report of the committee was concurred in.

Mr. Hall offered an amendment by striking out the eighth section of the bill, and called for the yeas and nays, on the question,

Which were as follows:

Yeas—Messrs. Bailey, Bainbridge, Coop, Hall, Hastings, Johnston, Leffler, Wallace and President—9.

NAYS—Messrs. Greene, Kirkpatrick and Springer—3.

So the amendment was adopted.

Mr. Bainbridge offered an amendment by striking out the sixth section,

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Leffler and Wallace—5.

NAYS—Messrs. Greene, Hall, Hastings, Johnston Kirkpatrick, Springer and President—7. Lost.

Mr. Bainbridge moved to refer the bill to the committee on the judiciary;

Which was lost.

On motion by Mr. Greene,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Coop, from the committee to whom was referred

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county, reported

That the above committee have had said bill under advisement, have made no amendments thereto, and beg leave to report the same back to the Council, and recommend its passage.

On motion,

The report of the committee was concurred in.

On motion by Mr. Greene,

The bill was made the order of the day for to-morrow.

Mr. Bainbridge offered the following:

Resolved, That the Council and House of Representatives, of the Territory of Iowa, adjourn on the 25th of January, 1842.

Mr. Hastings moved, that the resolution be laid upon the table subject to the order of the Council;

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Bainbridge and Johnston—2. Carried.

Mr. Wallace, from the select committee to whom was referred

No. 8, House of Representatives file, A bill to prevent the selling of spirituous liquors to the Indians; reported the same to the Council without amendment.

The report of the committee was concurred in.

Mr. Hall moved, to strike out all that part of the bill relating to imprisonment,

And called for the yeas and nays on the question,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Hall, Johnston, Leffler, Wallace and President—7.

NAYS—Messrs. Bainbridge, Greene, Hastings, Kirkpatrick and Springer—5.

So the amendment was adopted.

Mr. Springer moved that the bill be indefinitely postponed;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Hall and Wallace—3. Carried.

No. 51, Council file, A bill to locate and establish a Territorial road from Jackamiah Baldwin's, in Cedar county, to William Abbe's, in Linn county;

Came up in order,

Was read a third time and passed; title agreed to.

No. 33, Council file, A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation or a re-survey of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county;

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 31, House of Representatives file, An act to repeal an act authorizing a loan of money to be expended upon the Capitol.

Was read a first and second time, and,

On motion by Mr. Springer,

Was referred to the committee on public buildings.

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams;

Was read a first time.

Mr. Springer moved its indefinite postponement,

And called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Greene, Kirkpatrick Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

The bill was read a second time, and,

On motion by Mr. Coop,

Referred to a select committee; Messrs. Coop, Wallace and Hall, were appointed said committee.

On motion by Mr. Bailey,

The report of the Superintendent of public instruction, was taken from the table,

On which the yeas and nays were called for by Mr. Bainbridge, on the amendment offered by Mr. Hastings, to the resolution of Mr. Bailey;

And were as follows:

YEAS—Messrs. Hastings and Kirkpatrick—2.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Johnston, Leffler, Springer, Wallace and President—10.

So the amendment was lost.

The question recurring on the original resolution,

The yeas and nays were called for by Mr. Wallace, and were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Johnston and President—5.

NAYS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Leffler, Springer and Wallace—7.

So said resolution was not adopted.

No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of Commissioners of Clinton county;

Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county;

Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table rubject to the order of the Council.

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Was read a first and second time, and,

On motion by Mr. Kirkpatrick,

Referred to the committee on incorporations.

Mr. Bailey moved, that the Council adjourn until 2 o'clock, P. M.;

Which was lost.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals,

Was read a third time and passed—title agreed to.

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam on the Wabesipinicon river,

Was read a third time and passed—title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county to the town of West Cascade, in Dubuque county, came up in order, and,

On motion by Mr. Greene,

Was made the order of the day for to morrow.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Was read a first and second time, and,

On motion by Mr. Bailey,

Referred to the committee on finance.

Mr. Wallace moved that the Council adjourn until 2 o'clock, P. M.

Which was lost.

Mr. Bainbridge moved a call of the Council;

Which was had, the following gentlemen answering to their names:

Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, Leffler, Springer, and President.

On motion by Mr. Greene,

The further call of the Council was dispensed with.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Came up in order, was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on the judiciary.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Came up in order, was read a first and second time, and,

On motion by Mr. Hall,

Ordered to be read a third time to-morrow.

Mr. Springer offered the following:

Resolved, That the Secretary of the Council be instructed to cause certified copies of all joint resolutions and memorials originating in the Council, and which request the Governor to forward copies to Congress, &c., to be made out and furnished the Governor.

Which was adopted.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Friday Morning, Jan. 14, 1842.

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of Louisa county, praying for the reduction of the fees of public officers, and against the establishment of more Territorial roads; which,

On motion,

Was referred to the committee on finance.

Mr. Greene presented the petition of sundry citizens of Farmington and Watertown, praying the grant of a charter to Jesse Wright and Henry Bateman for a public ferry across the Des Moines river; which,

On motion by Mr. Bailey,

Was referred to a select committee.

Messrs. Bailey, Hall and Wallace were appointed said committee.

Mr. Johnston, from the committee on the judiciary, to which was referred No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Reported back the same with sundry amendments,

The bill was read a first and second time, and,

On motion by Mr. Johnston,

Ordered to be read a third time to-morrow.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to amending the act entitled "an act for the benefit of the settlers, &c., on the half-breed lands," reported

No. 56, Council file, A bill for an act entitled an act for the benefit of settlers, &c., on the half-breed lands.

Which was read a first and second time, and,

On motion,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Leffler, from the committee on finance, reported

No. 57, Council file, A bill to amend an act entitled "an act concerning costs and fees," approved Jan. 23, 1839;

Which was read a first and second time, and,

On motion by Mr. Wallace,

The usual number of copies were ordered to be printed.

Mr. Springer, from the joint committee on enrollments, reported as correctly enrolled—

An act to locate and establish a Territorial road from Thomas Lingle's mill, in Johnston county, to Marion, via Westport, in Linn county. Also,

Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Farmington and Watertown, reported

No. 58, Council file, A bill to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown;

Which was read a first and second time, and,

On motion by Mr. Wallace,

Ordered to be engrossed, and read a third time to-morrow.

Mr. Greene, from the select committee to whom was referred

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein named; and,

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

Reported, that they have had the same under consideration, and recommend the indefinite postponement of said Council file, No. 30; also, report said House of Representatives file, No. 39, with sundry amendments thereto, and ask to be discharged from the further consideration of said memorials.

Which was concurred in, and said Council file, No. 30, was indefinitely postponed.

Mr. Bainbridge asked and had leave to introduce

No. 59, Council file, A resolution authorizing the Secretary of the Territory to pay to Samuel Mazzuchelli the sum of sixty-five dollars.

Which was read a first and second time, and,

On motion,

Was, with accompanying documents, referred to the committee on claims.

On motion by Mr. Coop,

The Council proceeded to consider, as in committee of the whole, No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory, Mr. Leffler being in the chair;

And after some time spent in its consideration, reported the same back to the Council, with sundry amendments.

On motion,

The report of the committee was concurred in.

On motion,

The memorial was referred to a select committee.

Messrs. Hall, Wallace, and Leffler were appointed said committee.

Mr. Coop, from the select committee to which was referred

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband Edward Y. Williams, together with the accompanying documents,

Reported, that said committee have investigated the same, and are of opinion that said divorce should be granted, and ask leave to report said bill back to the Council without amendment.

On motion,

The report of the committee was concurred in.

The bill was read a second time.

Mr. Coop moved that it be read a third time to-morrow;

On which, Mr. Springer called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Johnston, Leffler, and Wallace—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

Carried.

So the bill was ordered for a third reading.

On motion by Mr. Johnston,

No. 36, House of Representatives file. A bill for an act to legalize certain acts of the Board of Commissioners of Clinton County;

Was taken from the table, and,

On motion by the same gentleman,

Referred to the committee on the judiciary.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined,

No. 35, Council file, A bill to incorporate the Washington Manufacturing Company,

And find the same to be correctly engrossed.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate, came up in order, and,

On motion by Mr. Johnston,

Was referred to the committee on the judiciary.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider, as in committee of the whole, No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county, Mr. Hall being in the chair;

After some time spent in its consideration, the committee reported the same back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill ordered for a third reading.

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company,

Came up in order, and was read a third time.

The question being on the passage of said bill, the yeas and nays were called for by Mr. Bainbridge. which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—10.

NAYS—Mr. Bainbridge—1.

So the bill was passed, and its title agreed to.

Mr. Bainbridge moved to take from the table the resolution relative to the adjournment of the Legislature;

Which was lost.

No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation, came up in order, and,

On motion by Mr. Johnston,

Was referred to the committee on the judiciary.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840, came up in order, and,

On motion by Mr. Hall,

Was referred to a committee of the whole Council, and made the order of the day for Monday next.

Mr. Leffler gave notice, that on to-morrow or some subsequent day, he would introduce

A bill to provide for the inspection of beef and pork in this Territory.

Mr. Bailey offered the following:

Resolved, That Doctor Reynolds, who is now in this city, have the use of the Council Chamber on Thursday evening next, for the purpose of delivering a lecture on Astronomy;

Which was carried.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

Saturday Morning, Jan. 15, 1842.

The Council met pursuant to adjournment.

Mr. Bailey presented the petition of sundry citizens of Farmington and its vicinity, praying that the petition of Jesse Wright and Henry Bateman for a ferry across the Des Moines river, be not granted.

On motion,

The petition was referred to the same select committee as the former petition.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of Commissioners of Clinton county,

Begged leave to report the same back to the Council without amendment and asked the adoption of the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

The resolution was adopted, and,

On motion,

The bill was ordered to be read a third time on Monday.

Mr. Greene, from the committee on engrossed bill, reported that they have examined

No. 58, Council file, A bill to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown,

And find the same to be correctly engrossed.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county,

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Being in order, were read a third time and passed; title agreed to.

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams,

Came up in order, and was read a third time.

The question being on the passage of the bill, the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Leffler, and Wallace—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed, and its title agreed to.

No 58, Council file, A bill to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman, to keep a ferry across the Des Moines river at Watertown,

Being in order, was read a third time.

Mr. Bailey had leave, and offered the following amendment:

"Sec. 2. This act shall not be so construed, as to prevent S. P. Harris, his heirs or assigns, from obtaining a license to keep a ferry at any subsequent time.

"Sec. 3. This act shall be in force from and after its passage."

Which was unanimously adopted.

On motion,

The bill was passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Council adjourned until 10 o'clock on Monday morning.

Monday Morning, Jan. 17, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented the petition of suudry citizens of Muscatine county, praying for a re-charter of a ferry across the Mississippi river at Salem; which,

On motion,

Was referred to the committee on incorporations.

Mr. Bailey presented the petition of sundry citizens of Van Buren county, praying for a reduction of officers' fees;

On motion,

The petition was referred to the committee on finance.

Mr. Leffler presented the petition of sundry citizens of Des Moines county praying an amendment of the act regulating weights and measures;

On motion,

The petition was referred to the committee on the judiciary.

Mr. Hastings offered the following:

Resolved, That the report of the Superintendent of Public Instruction be published in the Iowa City Capitol Reporter.

Mr. Springer moved to amend the same, by inserting, after the word Reporter, Iowa City Standard, and Iowa City Argus, provided said papers will publish the same gratuitously.

Which resolution, as amended, was adopted.

Mr. Coop offered the following:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of so arranging the time of holding the District Courts of the first judicial district, as to allow the counties of Henry and Jefferson each two weeks at the fall term of said court.

Which was adopted.

Mr. Bailey offered the following:

Resolved, That the Secretary of the Territory is hereby authorized to pay William H. Turner the sum of twenty-seven dollars, for performing the duties of Assistant Secretary of the Council, in the absence of said Assistant, and deduct the same out of his per diem. Which,

On motion by Mr. Hastings,

Was laid on the table, subject to the order of the Council.

Mr. Johnston offered the following:

Resolved, That the Secretary of the Territory is hereby requested to make out a full statement of all debts due by the Territory under the several acts of appropriation, or resolutions, passed by the Legislative Assembly, and that he report the same to the Council.

Which was adopted.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 15, House of Representatives file, An act to amend an act entitled 'an act regulating criminal proceedings,' approved Jan. 4, 1839.

No. 30, House of Representatives file, An act to locate a Territorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county;

In which the concurrence of the Council is requested.

I herewith present for your signature, an enrolled bill and joint resolution, which have been signed by the Speaker of the House of Representatives."

Which was signed by the President.

Mr. Johnston, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Washington county, requesting the repeal of the "act regulating blacks and mulattoes," beg leave to report

That it would be impolitic and inexpedient to grant the prayer of said petitioners, and ask the adoption of the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

Which resolution was adopted.

Mr. Johnston, from the committee on the judiciary, reported

No. 60, Council file, A joint resolution providing for the distribution of the Reports of the Supreme Court to the Clerks of the District Courts;

Which was read a first and second time, and,

On motion by Mr. Springer,

Amended by striking out three and inserting five.

On motion by Mr. Johnston,

Said resolution was considered as engrossed and read a third time.

Mr. Bailey moved to re-commit it to the committee on the judiciary, and called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Kirkpatrick, and President—4.

NAYS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Leffler, Springer and Wallace—8.

Said resolution was then passed.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent for the county of Johnston;

Which was read a first and second time, and,

On motion,

Was referred to the committee on the judiciary.

No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of County Commissioners of Clinton county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick asked leave of absence for Mr. Greene;

Which was granted.

No. 30, House of Representatives file, A bill to locate and establish a Ter-

ritorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county,

Was read a first and second time, and,

On motion by Mr. Kirkpatrick,

Was referred to a select committee;

Messrs. Kirkpatrick, Bainbridge and Greene were appointed said committee.

No. 15, House of Representatives file, A bill for an act to amend an act entitled "an act regulating criminal proceedings," passed Jan. 4, 1839;

Which was read a first and second time,

On motion,

Referred to the committee on the judiciary.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved, January 6, 1840; being the order of the day, was,

On motion by Mr. Hall,

Considered as in committee of the whole, Mr. Wallace in the chair.

After some time spent therein, the committee rose and reported said bill back to the Council with one amendment,

Which was concurred in; and,

On motion by Mr. Johnston,

Said bill was referred to a select committee.

Messrs. Johnston, Hall and Springer, were appointed said committee.

On motion by Mr. Johnston,

No. 43, Council file, was taken from the table, being a joint resolution providing for publishing the reports of Supreme Court of the July session, A. D. 1840, and for other purposes.

Mr. Johnston moved to amend said resolution by striking out the third section, and inserting the word "several" between the words "the" and "joint" in the third line of the fourth resolution, and in the same line between the words "resolution" and "providing," inserting the words "of the Legislative Assembly," and by adding the following:

That the Secretary of the Territory pay the same out of any monies in his hands, not otherwise appropriated, out of the appropriation for the ensuing session of the Legislative Assembly;

Which were adopted, and,

On motion,

Ordered to be engrossed, and read a third time.

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways; being the order of the day,

On motion by Mr. Bailey.

It was considered as in committee of the whole, Mr. Leffler in the chair.

And after some time spent therein, the committee rose and reported the same back to the Council with one amendment,

Which was concurred in.

Mr. Johnston moved to refer it to the same committee to whom was referred No. 25, House of Representatives file;

Which was so referred.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law.

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East.

The House have concurred in the amendments of the Council to

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb to sell certain real estate, by amending the same in 5th section.

I herewith present for your signature, three enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were accordingly signed by the President.

No. 57, Council file, A bill to amend an act entitled "an act concerning costs and fees," approved Jan. 23, 1839;

Being the order of the day, was,

On motion by Mr. Springer,

Recommitted to the committee on finance, with instructions to revise the whole act in relation to costs and fees: and,

On motion by Mr. Hall,

Messrs. Bailey and Springer were added to said committee.

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East;

Was read a first and second time, and,

On motion by Mr. Johnston,

Was laid on the table subject to the order of the Council.

No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law;

Was read a first and second time, and,

On motion by Mr. Bailey,

Was laid on the table subject to the order of the Council.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate; was returned from the House of Representatives with an amendment to the amendment made by the Council; which,

On motion by Mr. Johnston,

Was agreed to.

Ordered that the Secretary notify the House accordingly.

Mr. Johnston gave notice that he would ask leave, on to-morrow or some future day, to introduce a bill to incorporate the Keokuk Manufacturing Company.

On motion,

The Council adjourned until 10 o'clock on to-morrow morning.

Tuesday Morning, Jan. 18, 1842.

The Council met pursuant to adjournment.

Mr. Hall presented the petition of sundry citizens of Van Buren county, asking an extension of the Territorial road already laid out from Fairfield to the Missouri line; which,

On motion,

Was referred to a select committee, composed of Messrs. Hall, Coop and Bailey.

Mr. Hastings offered the following:

Resolved, That the committee on the judiciary be instructed to report a bill to so amend "an act to prevent and punish gaming," that the offence of gaming shall not be indictable, but shall be prosecuted and punished in a summary manner, before Justices of the Peace.

Mr. Johnston presented the following communication from Mr. Secretary Stull:

List of debts due to individuals, for printing and necessaries furnished for the use of the Legislative Assembly of Iowa. Session 1838, '39, '40, *and* '41.

Bridgman & Partridge,	$109 00
Henry Moore,	4 00
John S. David,	68 00
Methodist Episcopal Church,	300 00
James G. Edwards,	1528 00
Morgan Reno,	61 00
T. S. Parvin,	387 00
Dolan & Ladd,	26 37
Chase & Kimball,	47 25
Robert Mack,	26 75
Jesse Williams,	28 00
Webber & Remey,	55 15
George W. Hight,	100 00
Russell & Reeves,	1907 75
W. J. A. Bradford,	182 00
A. C. Donaldson,	170 00
W. W. Coriell,	75 00
Andrew Logan,	75 00
A. W. Carpenter,	124 50
J. H. McKenney,	957 81
Samuel R. Murray,	20 00
J. N. Hetzel,	35 00
J. M. Garrigues,	12 00

John B. Russell,	12 00
A. L. McCrea,	5 00
Henry Heffleman,	50 00
J. W. Tallman,	50 00
J. G. McDonald,	15 00
Jos. T. Fales,	500 00
B. F. Wallace,	350 00
J. B. Browne,	225 00
W. H. Wallace,	225 00
Levi Hager,	169 50
Evan Evans,	90 00
Russell & Hughes,	1122 75
W. W. Corriell,	1512 38
Total	$10,627 11

(Signed) O. H. W. STULL,
Secretary of Territory.

Which was read, when

Mr. Johnston offered the following:

Resolved, That the communication from Secretary Stull, be referred to the committee on Territorial affairs, with instructions that they memorialize Congress for an appropriation sufficient for the payment of the debts therein mentioned; which,

On motion,

Was adopted.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 43, Council file, Joint resolution providing for publishing the reports of Supreme Court of July session, A. D. 1840, and for other purposes, and find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations to whom was referred No. 33, Council file, A bill for the incorporation of religious societies, reported back the same with the following amendment:

In section 6, after the word "acres," in the 7th line, insert "and shall not exceed in value the sum of ten thousand dollars."

The report of the committee was concurred in, and,

On motion by Mr. Hastings,

The bill was referred to the committee on Territorial affairs.

Mr. Leffler, from the committee on finance, reported

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county in the Territory of Iowa, without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Greene,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the committee reported back the bill to the Council with one amendment.

The report of the committee was concurred in, and,

On motion by Mr. Bailey,

Referred to a select committee composed of Messrs. Bailey, Springer and Hastings.

Mr. Leffler, in accordance with previous notice, had leave and introduced No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory; which was read, and,

On motion,

Was ordered to be printed.

Mr. Springer from the joint committee on enrollments, reported

That said committee presented to his Excellency, the Governor, on the 17th inst., for his approval,

An act to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Mr. Hastings, from the committee on public buildings, reported

No. 63, Council file, A bill for an act to authorize the Territorial agent to issue bonds on the faith of unsold lots;

Which was read a first and second time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Des Moines county, reported

No. 64, Council file, A bill for an act amending an act regulating weights and measures;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary, made the following report:

The committee on the judiciary, to whom was referred the communication of Wm. J. A. Bradford, Prosecutor for the 3d Judicial District, praying for the repeal of several sections of an "act providing for the appointment of district Prosecutors, &c.," and requesting that the compensation of the Prosecutor be made a fixed salary, payable out of the Territorial Treasury, &c., beg leave to report,

That it would be inexpedient to repeal the 2d and 5th sections of the act aforesaid, in compliance with the suggestions of the above named communication, as it is necessary that there should be some officer in every judicial district authorized to prosecute all pleas, plaints, &c., &c., in behalf of the several counties in said district, &c.; and to whom, in accordance with the provisions of the 5th section aforesaid, all civil officers might apply for advice and information touching any matter in which the public have any interest; and that it would be impossible to fix any annual salary for said Prosecutor, because from the very nature of his duties, as prescribed by the 2d and 5th sections aforesaid, it could not be ascertained until the close of the year, the amount of labor he had performed, and consequently the amount of salary to which he was entitled. This, the committee believe, is properly left to the discretion of the Board of county Commissioners.

The committee further state, that in their opinion, the Legislature ought not to interfere in relation to the compensation of the district Prosecutor for the 3d Judicial district for past services, the fees for such duties being left to the discretion of the several Boards of county Commissioners in his district; and against whom, if the Prosecutor should be dissatisfied with the allowance made by them, a suit could be instituted in the District Court.

The committee, therefore, ask the adoption of the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in, and the resolution adopted.

Mr. Johnston, in accordance with previous notice asked leave and introduced

No. 65, Council file, An act to incorporate the Keokuk Manufacturing Company;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Hastings, from the select committee to which was referred

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester; reported the same without amendment.

The report of the committee was concurred in.

On motion by Mr. Hastings,

The Council proceeded to consider the bill as in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, it was reported back to the Council with one amendment.

The report of the committee was concurred in, and,

On motion by Mr. Hastings,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 21, House of Representatives file, A bill for an act to amend an act entitled an act to provide for the support of illegitimate children; made a report concerning the same, and recommending its indefinite postponement.

Mr. Greene moved, that it be referred to the committee on the judiciary;

Which was lost.

Mr. Wallace moved, that it be laid upon the table, subject to the order of the Council;

Which was carried.

Mr. Bainbridge gave notice that he should, on to-morrow or some day thereafter, ask leave to introduce a bill to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

Mr. Wallace, from the committee on claims, reported

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals, &c., for the District Courts of Linn and Jones counties, with two amendments.

The report of the committee was concurred in, and,

On motion,

The joint resolution ordered to be engrossed and read a third time to-morrow.

Mr. Kirkpatrick, from the select committee to which was referred

No. 30, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county;

Reported the same without amendment.

The report of the committee was concurred in, and,

On motion by Mr. Greene,

The Council proceeded to consider the bill as in committee of the whole, Mr. Kirkpatrick being in the chair.

After some time spent therein, the committee reported back the same with several amendments.

Mr. Greene moved that the bill as amended, be referred to a select committee;

Which was lost.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved its indefinite postponement;

On which the yeas and nays were called for by Mr. Greene,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick and Leffler—4.

So the bill was indefinitely postponed.

No. 43, Council file, Joint resolution providing for the publishing the Reports of Supreme Court of the July session, A. D. 1840, and for other purposes,

Was read a third time, and,

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

On motion by Mr. Greene,

The Council proceeded to consider, as in committee of the whole,

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The report of the committee was concurred in, and,

On motion by Mr. Bailey,

The bill was referred to a select committee composed of Messrs. Bailey, Springer and Hastings.

Mr. Hastings moved that

No. 49, Council file, A bill to provide for the keeping of Stallions and Jacks, be taken from the table;

Which was done.

Mr. Greene moved that the Council adjourn;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Browne, Coop, Greene and President—4.

NAYS—Messrs. Bailey, Bainbridge, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—8. Lost.

The question being on concurring in the report of the committee on township and county boundaries;

On motion by Mr. Johnston,

The bill was laid upon the table.

On motion by Mr. Johnston,

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East, was taken from the table.

The question being upon ordering it to a third reading,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was ordered to a third reading.

Mr. Johnston gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce

A bill to incorporate the Fort Madison Methodist Episcopal Church.

Mr. Wallace moved that

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant, be taken from the table;

Which was done.

Mr. Hastings moved that it be referred to the committee on incorporatons.

Which was lost, and,

On motion by Mr. Johnston,

It was ordered to a third reading to-morrow.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, Jan. 19, 1842.

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of Louisa, Muscatine, and Des Moines counties, remonstrating against the establishment of another Territorial road from Bloomington to Burlington; which,

On motion,

Was laid on the table, subject to the order of the Council.

Mr. Kirkpatrick presented the petition of sundry citizens of Jackson, Jones, Cedar, and Linn, praying the establishment of a mail route from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road; also, the establishment of certain post-offices; which,

On motion,

Was referred to the select committee to whom was referred a memorial on mail routes.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones counties; and

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester;

And find the same to be correctly engrossed.

Mr. Johnston, from the committee to whom was referred

No. 15, House of Representatives file, An act to amend an act entitled "an act regulating criminal proceedings," passed Jan. 4, 1839,

Reported the same back to the Council, with sundry amendments.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Johnston, from the select committee to whom was referred

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways,"

Reported the same back to the Council with two amendments.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 18th inst., to the Governor for his approval—

An act to divorce Naomi Williams from her husband Edward Y. Williams.

An act to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

An act to authorize Perriander Pollock, and others to erect a dam across the Wabesipinecon river.

Mr. Bailey, from the select committee to whom was referred

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Reported the same to the Council with amendments.

On motion,

The committee was discharged from a further consideration of the subject.

Mr. Hastings, from the committee on public buildings, reported

No. 66, Council file, A bill to set apart out-lots 11 and 12, in Iowa City for a burying-ground;

Which was read a first and second time, and,

On motion by Mr. Springer,

Laid upon the the table until to-morrow.

Mr. Hastings, from the committee on public buildings, reported

No. 67, Council file, A bill to revise an act to incorporate Iowa City, and for other purposes;

Which was read a first time.

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East, came up in order;

The question being on the passage of said bill, the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Leffler, and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed, and its title agreed to.

Mr. Springer offered the following:

RULE No. —. No bill or joint resolution shall be read the first and second time on the same day, unless otherwise ordered by a majority of the members present, and a motion to read a second time shall not be noticed in the Journal.

On motion,

The resolution was laid upon the table.

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones counties,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester,

Was read a third time.

Mr. Hastings moved that the bill be re-committed to a select committee;

Which was lost.

The question being on its passage, the yeas and nays were called for by Mr. Parker, and were as follows:

YEAS—Mr. Greene—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hastings, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—11.

So the bill was lost.

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant,

Being in order was read a third time.

Mr. Wallace offered the following amendment:

"Insert in section 10, after the word 'grant,' the words 'or withdraw at their discretion."

Which was adopted, when,

On motion,

The bill was passed and its title agreed to.

On motion by Mr. Browne,

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county, was taken from the table;

The bill was ordered to be read a third time on to-morrow.

On motion by Mr. Browne,

No. 44, Council file, A bill to review and locate certain Territorial roads herein named, was taken from the table;

On motion by Mr. Springer,

The Council proceeded to consider the same as in committee of the whole, Mr. Bainbridge being in the chair;

After some time spent therein, the bill was reported back to the Council with one amendment.

Mr. Browne moved that it be referred to a select committee composed of the delegation from the county of Lee;

Which was carried.

Messrs. Browne and Johnston were appointed said committee.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Thursday Morning, Jan. 20, 1842.

The Council met pursuant to adjournment.

Mr. Leffler offered the following:

Resolved, That James W. Woods be allowed the sum of five hundred dollars for transcribing, correcting, indexing, superintending the printing, and distributing the Journals of the Council of the present session, and filing away the unfinished business of the Council.

Resolved, That the committee on expenditures be instructed to incorporate the above in the appropriation bill.

On motion by Mr. Browne,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Johnston, from the select committee to whom was referred

A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840,

Begged leave to report the same back to the Council without amendment, and asked the adoption of the following resolution:

Resolved, That the committtee be discharged from the further consideration of the subject.

On motion,

The committee was discharged.

Mr. Browne, from the select committee to whom was referred

A bill to review and locate certain Territorial roads therein named,

Reported, that said committee have, according to order, had the same under consideration, and reported the same back to the Council, with a substitute therefor, and asked to be discharged from a further consideration of the subject.

On motion,

The committee was discharged.

The substitute was read a first and second time, and,

On motion by Mr. Johnston,

Ordered to be engrossed and read a third time to-morrow.

Mr. Hall, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory;

Which was read a first time.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Reported the same back to the Council with several amendments, and begged to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, asked and had leave to introduce

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory;

Which was read a first and second time.

Mr. Hastings moved to refer the bill to the committee on incorporations,

Which was carried.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners' districts,

Reported the same back to the Council without amendments, and asked to be discharged from a further consideration of the subject;

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, had leave and introduced

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser;

Which was read a first and second time, and,

On motion,

Referred to the committee on the judiciary.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Being in order, was read a second time and,

On motion,

Referred to the committee on incorporations.

Mr. Greene, from the committee on incorporations, to whom was referred a petition and remonstrance of sundry citizens of Montrose and its vicinity, in Lee county, relative to the construction of a wharf, &c., at said town of Montrose, on the Missippi river, reported,

That they have had the same under consideration, and deem it inexpedient to grant the prayer of said petition and remonstrance; and that the same is not properly under the control of the Legislative Assembly, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill concerning oaths and affidavits.

Mr. Johnston gave notice that he would, on to morrow, or some day there-

after, ask leave to introduce a memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county.

Mr. Bailey gave notice that he would, on to-morrow, ask leave to introduce a bill amendatory to an act entitled an act relating to auctioneers and auction sales.

Mr. Browne gave notice that on to-morrow, he would ask leave to introduce a bill to amend an act entitled an act regulating grocery license, approved Jan. 4, 1840.

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways,"

Being in order, was read a second time;

On motion by Mr. Johnston,

The Council proceeded to consider the bill as in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

The question being on concurring in the report of the committee,

Mr. Bailey moved to disagree with the first amendment of the committee, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Johnston, and Kirkpatrick-6.

NAYS—Messrs. Bainbridge, Greene, Hastings, Leffler, Springer, Wallace, and President—7.

So the motion was lost.

On motion,

The report of the committee was concurred in, and,

The bill ordered to be engrossed and read a third time to-morrow.

Mr. Coop, from the committee on roads, reported

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways;

Which was read a first time.

On motion by Mr. Greene,

The Council resolved itself into a committee of the whole on No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county, Mr. Bailey being in the chair;

After some time spent in its consideration, the same was reported back to the Council without amendments.

On motion,

The report of the committee was concurred in.

Mr. Greene moved to strike out section 7;

On which Mr. Browne called for the yeas and nays;

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, and Wallace—8.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer, and President—5.

So the 7th section was ordered to be stricken out, and,

On motion,

The bill was ordered for a third reading to-morrow.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 33, Council file, A joint resolution relative to the northern boundary line of the half-breed Sac and Fox reservation.

No. 53, Council file, A bill for an act to legalize the location of a Territorial road in Henry county.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

No. 49, House of Representatives file, A bill to authorize Robert M. G. Patterson to establish a ferry across the Mississippi river, at the mouth of the Nassau Slough.

No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States.

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county.

No. 59, House of Representatives file, A bill to locate a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county.

In which the concurrence of the Council is requested.

I herewith present, for your signature,

An act defining a lawful fence, and providing against trespassing animals."

Which was signed by the President.

Mr. Bainbridge moved that Mr. Bailey's resolution, relative to Turner, be taken from the table.

Which was done, and,

On motion,

Indefinitely postponed.

Mr. Johnston moved that No. 56, Council file, A bill for an act to amend an act entitled 'an act for the benefit of settlers, &c., on the half breed lands,' be taken from the table;

Which was done.

On motion,

Ordered to be engrossed, and read a third time to-morrow.

No. 64, Council file, A bill for an act amending an act regulating weights and measures,

Was read a second time, and,

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county,

Being in order, was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river,

No. 47, House of Representatives file, An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States, in relation to the two townships of land granted to the Territory for a University,

Were read a first time.

Mr. Bainbridge moved that the Council adjourn;

Which was lost.

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county,

No. 51, House of Representatives file, A bill for an act to incorporate a College at Washington, in Washington county,

Were read a first time.

Mr. Leffler had leave, and introduced

No. 72, Council file, A joint resolution authorizing an investigation by a joint committee of the Council and House of Representatives of the Miners' Bank of Dubuque;

Which was read a first time.

Mr. Hastings moved that the rules be suspended, and the resolution read a second and third time to-day;

Which was lost.

Mr. Hastings moved a call of the Council;

Which was had; all the members answering to their names, Mr. Bainbridge excepted.

Mr. Wallace moved that the Council adjourn;

Which was lost.

Mr. Bainbridge appearing,

Mr. Johnston moved that the further call of the Council be dispensed with; Carried.

Mr. Hastings moved that the resolution be read a second and third time; Which was carried.

The resolution was read a second and third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Friday Morning, Jan. 21, 1842.

The Council met pursuant to adjournment.

Mr. Hall, from the select committee to whom was referred

No. 39, House of Representatives file, Memorial to Congress for the location of mail routes in Iowa Territory, reported the same to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and higways, approved, January 17th, 1840.

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of Settlers, &c., on the Half Breed lands, and

No. 64, Council file, A bill for an act amending an act regulating weights and measures, and find them to be correctly engrossed.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined

No. 33, Council file, A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey, of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county. And,

No. 53, Council file, An act to legalize the location of a Territorial road in Henry county; and find the same to be correctly enrolled.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of Muscatine county, praying for the renewal of a charter to ferry across the Mississippi, reported

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county;

Which was read a first time.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties, reported the same back to the Council without amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 67, Council file, A bill to revise an act to incorporate Iowa City, and for other purposes, reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations to whom was referred

No. 69, Council file, A bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory ; reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 74, Council file, Memorial for donation of lands to establish a seminary of learning at West Point, in Lee county ;

Which was read a first time.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river, being in order,

Was read a second time.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider the same as in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

The report of the committee was concurred in, and

On motion by Mr. Kirkpatrick,

The bill was ordered for a third reading to-morrow.

Mr. Browne, in accordance with previous notice, had leave and introduced

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license, approved, January 4, 1840 ;

Which was read a first time, and

On motion by Mr. Hastings,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary to whom was referred

No. 14, Council file, A bill amendatory to an act entitled an act organizing a Board of county Commissioners in each county in this Territory, reported

That there is a sufficient law now in force upon the subject, and asked the indefinite postponement of said bill, and also, to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace moved, that the report of the committee be laid upon the table ;

Which was lost.

The question being on concurring in the report of the committee :

On motion,

The report was concurred in, and the bill indefinitely postponed.

No. 47, House of Representatives file, An act to authorize Robert M. C. Patterson to establish and keep a ferry across the Mississippi river at the mouth of the Nassau slough ;

Was read a second time, and

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

On motion by Mr. Johnston,

The Council resolved itself into a committee of the whole on No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States, in relation to the two townships of land granted to the Territory for a University.

After some time spent in its consideration, the same was reported back to the Council, all the memorial succeeding the title having been stricken out.

On motion,

The report of the committee was concurred in.

Mr. Springer moved, that the title of the memorial be indefinitely postponed;

Which was carried.

The title was indefinitely postponed.

Mr. Hastings, from the select committee, to whom was referred No. 35, Council file, A bill to prevent trespass upon lands, reported the same back to the Council with two amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, had leave and introduced No. 76, Council file, A bill concerning oaths and affidavits;

Which was read a first time.

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county;

Was read a second time.

On motion by Mr. Springer,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hastings being in the chair.

After some time spent in its consideration, the same was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Springer,

The bill was ordered for a third reading on Monday.

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county;

Was read a second time, and

On motion by Mr. Springer,

Laid upon the table subject to the order of the Council.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory;

Was read a second time, and

On motion by Mr. Hall,

Ordered to be engrossed for a third reading to-morrow.

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways; being in order,

Was read a second time, and

On motion by Mr. Coop,

Ordered to be engrossed for a third reading to-morrow.

No. 63, Council file, A bill for an act to authorize the Territorial agent to issue bonds on the faith of the unsold lots of Iowa City;

Being in order, was read a second time.

On motion by Mr. Coop,

The Council proceeded to consider the same as in committee of the whole, Mr. Leffler being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr. Wallace moved, that the bill be indefinitely postponed.

Mr. Greene moved that it be laid upon the table;

On which the yeas and nays were called for by Mr. Wallace;

And were as follows:

YEAS—Messrs. Greene, Hastings and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—10.

So the motion was lost.

The question recurring on the motion to indefinitely postpone the bill, Mr. Wallace called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbride, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—10.

NAYS—Messrs. Greene, Hastings and President—3.

So said bill was indefinitely postponed.

Mr. Hall gave notice that he would, on some day next week, introduce

A bill for an act to incorporate the Keosauqua Bridge Company.

No. 28, House of Representatives file, A bill for an act to amend "an act organizing a Board of county Commissioners in each county;"

Being in order, was read a third time and passed; title agreed to.

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of settlers, &c., on the Half Breed lands;

Being in order, was read a third time and passed; title agreed to.

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved, January 17th, 1840;

Being in order, was read a third time and passed; title agreed to.

No. 64, Council file, A bill for an act amending an act regulating weights and measures;

Being in order, was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives, accordingly.

On motion by Mr. Hastings,

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City;

Was taken from the table.

On motion by Mr. Greene,

The Council proceeded to consider the same as in committee of the whole Mr. Coop being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Hastings,

The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Bailey, in accordance with previous notice, had leave and introduced No. 77, Council file, A bill entitled an act to repeal an act relating to auctioners and auction sales, approved, January 1840;

Which was read a first time.

Mr. Greene gave notice that on to-morrow, or some subsequent day, he would introduce

A bill to amend an act entitled an act regulating ferries.

On motion by Mr. Springer,

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county;

Was taken from the table, read a second time, and

On motion by the same gentleman,

Ordered for a third reading on Monday, January 24th.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

Saturday Morning, Jan. 22, 1842.

The Council met pursuant to adjournment.

Mr. Hall offered the following:

Whereas, at the organization of the present session of the Legislative Assembly, Mr. Chance was elected Fireman to the Council: and, whereas, said Chance has never appeared in this Council in the capacity of Fireman, but employed Samuel Wilson as deputp: and, whereas, said Wilson has discharged the duties of Fireman well and faithfully; therefore, be it resolved that the said Samuel Wilson be recognized as the Fireman of this Council, and that he be allowed two dollars and fifty cents per diem for his services as such during the present session, and that the Secretary is hereby authorized to pay him accordingly.

Mr. Leffler moved that the resolution be laid upon the table until Monday next; which was lost.

The question being on its adoption;

On motion,

The resolution was adopted.

Mr. Springer moved that Samuel Wilson be sworn Fireman of the Council;

Which was carried.

When Wilson appeared and was duly sworn.

Mr. Springer, from the joint committee on enrollments, presented, on the 21st inst., to his Excellency, the Governor, for his approval,

An act defining a lawful fence and proceeding against trespassing animals.

No. 12, House of Representatives file, An act to district the county of Jackson into three Commissioners districts; came up in order, and was,

On motion,

Ordered for a third reading on Monday, January 24th.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved, January 6th, 1840; came up in order.

On motion by Mr. Hall,

The Council proceeded to consider the same as in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion by Mr. Wallace,

The bill, together with the report of the committee of the whole, was referred to a select committee, composed of Messrs. Wallace, Leffler and Springer.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of the county of Louisa, praying that the location of a certain Territorial road in said county be legalized;

Reported that said committee have had the same under consideration and offered

No. 78, Council file, A bill to legalize the location of a certain Territorial road;

Which was read a first time, and

On motion,

Laid upon the table subject to the order of the Council.

Mr. Greene, in accordance with previous notice had leave and introduced

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved, December 20th, 1838;

Which was read a first time.

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory; come up in order.

On motion by Mr. Browne,

The Council proceeded to consider the bill as in committee of the whole Mr. Springer being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The report of the committee was concurred in, and

On motion by Mr. Leffler,

The bill was referred to the committee on Territorial affairs.

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4th, 1839;

Came up in order, and

On motion by Mr. Bainbridge,

Was laid upon the table, and made the special order of the day for Friday January 28th.

Mr. Johnston moved that the Council adjourn;

On which the yeas and nays were called for by Mr. Greene,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Wallace and President—10.

NAYS—Messrs. Greene, Hastings and Springer—3.

So the Council adjourned until 10 o'clock on Monday morning.

Monday Morning, Jan. 24, 1842.

The Council met pursuant to adjournment.

Mr. Springer offered the following:

Resolved, That the committee on public buildings be instructed to prepare and report a memorial to Congress praying that the reserved sections, contiguous to Iowa City, or a portion of them, may be given to the Territory for the purpose of completing the Capitol.

Mr. Browne moved to amend the resolution by inserting the words "and Penitentiary," after the word "Capitol;"

Which was lost.

On motion by Mr Hastings,

A call of the Council was had, when Messrs. Johnston and Greene were found to be absent.

The absentees appearing, a further call of the Council was dispensed with.

Mr. Browne moved that the resolution be referred to the committee on the Judiciary, and that they be instructed to consider the expediency of adding the word "Penitentiary" after the word "Capitol;"

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, and President—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings Johnston, Kirkpatrick, Leffler, Springer and Wallace—9.

So the motion was lost.

Mr. Greene, moved an amendment by inserting, after the words "public buildings," the words "be instructed to inquire into the expediency of;"

Which was adopted.

The question being on the adoption of the resolution as amended;

The yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—13.

NAYS—0.

So the resolution was unanimously adopted.

The following message from the House of Representatives, was receive through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 60, House of Representatives file, A bill to amend an act entitled a act establiching certain Territorial roads.

No. 74, House of Representatives file, A joint resolution relative to carrying the mails, on steamboats, from St. Louis to Keokuk.

No. 76, House of Representatives file, A bill for an act to incorporate th town of Davenport.

I herewith present for your signature

An act to legalize certain acts of the Board of county Commissioners o Clinton county.

An act to authorize Rachel Holcomb to sell certain real estate.

The same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Browne, from the committee on public buildings, reported

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials;

Which was read a first time.

Mr. Hastings, from the same committee, reported

No. 81, Council file, A bill for an act to authorize the Territorial agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes;

Which was read a first time,

Mr. Coop moved that the usual number of copies of the bills offered by the committee on public buildings, be printed;

Which was lost.

Mr. Johnston, from the select committee, to whom was referred

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes;

Reported the same back to the Council with sundry amendments, and begged to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City;

No. 44, Council file, A bill to re-locate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river;

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory;

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways;

And find the same to be correctly engrossed.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties,

Being in order, was read a second time.

On motion by Mr. Bailey,

The Council proceeded to consider the same as in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

Mr. Wallace moved to strike out the proviso contained in the bill, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Hall, and Wallace—3.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and President—10. Lost.

On motion,

The report of the committee was concurred in, and the bill ordered to a third reading.

On motion by Mr. Johnston,

No. 47, House of Representatives file, A bill to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

Was taken from the table.

Mr. Johnston offered the following amendment:

In 10th line, 2d section, after the words "without delay," insert "within five months from the passage of this act."

Which was adopted.

On motion,

The bill was ordered to be engrossed for a third reading.

On motion by Mr. Hastings,

No. 22, Council file, A bill to amend the militia law, was taken from the table, and,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport, being in order,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to the committee on incorporations.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved January 13th, 1841,

Being in order, was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on roads.

No. 74, House of Representatives file, A joint resolution requesting our Delegate to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk,

Being in order, was read a first and second time, and,

On motion,

Ordered for a third reading.

No. 33, House of Representatives file, A bill for the incorporation of religious societies, came up in order, and,

On motion by Mr. Springer,

Laid upon the table, subject to the order of the Council.

No. 39, House of Representatives file, Memorial to Congress for the location of mail routes in Iowa Territory, came up in order;

Mr. Hall moved that the Council proceed to consider the same as in committee of the whole;

Which was carried—Mr. Bailey taking the chair.

After some time spent in its consideration, the memorial was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

Mr. Hall offered the following amendment, being the addition of a section:

"Sec. 27. From Keosauqua, Iowa, via Waterloo and Monticello, to Palmyra, Mo."

Which was adopted.

Mr. Hastings offered the following:

"Sec. 28. From Bloomington, via Storms' Settlement, in Muscatine county, via Fredonia, to Columbus City, in Lauisa county."

Which was adopted.

Mr. Bainbridge offered the following:

"Sec. 29. From Dubuque, via Prairie du Chien, to Fort Snelling."

Which was adopted.

On motion,

The bill was ordered to a third reading.

Mr. Bainbridge, in accordance with previous notice, had leave and introduced

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases;

Which was read a first and second time, and,

On motion by Mr. Bainbridge,

Laid upon the table, subject to the order of the Council.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company;

Which was read a first time.

The following bills, being in order, were read a third time and passed, their titles being agreed to:

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners' districts;

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river;

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county;

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county;

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways.

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City,

Was read a third time and passed;

Mr. Hastings moved to amend the title, by substituting for the word 'to,' the word 'towards;'

The amendment was adopted.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary line of the Territory,

Was read a third time and passed; title agreed to.

No. 44. Council file, A bill to re-locate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Was read a second time, and,

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county,

Was read a second time.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a second time.

Mr. Bainbridge moved that the Council adjourn;

Which was lost.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840,

Was read a second time.

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838, came up in order.

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Hall being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment, and was,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 35, Council file, A bill to prevent trespass upon lands,

Was read, as amended by the select committee to whom it was referred;

On motion,

The report of the committee was concurred in, and,

The bill ordered to be engrossed for a third reading to-morrow.

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory,

Was read, as amended by the committee on incorporations;

On motion,

The amendments of the committee were concurred in, and the bill ordered for a third reading.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, Jan. 25, 1842.

The Council met pursuant to adjournment.

The following message, from the House of Representatives, was receive through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 55, House of Representatives file, A bill to authorize Joseph Steven to build a dam across Skunk river.

No. 65, House of Representatives file, A bill for an act to legalize the lo cation of a certain Territorial road in Washington county.

No. 67, House of Representatives file, A bill for an act to legalize the lo cation of certain Territorial roads therein named.

No. 68, House of Representatives file, A joint resolution relative to th public printing.

No. 70, House of Representatives file, A bill to amend an act to provid for the appointing Justices of the Peace, &c.

In all of which the concurrence of the Council is requested.

The House have passed, with an amendment—

No. 9, Council file, Preamble and resolution relative to the southern bou dary line.

The House have disagreed to the striking out of the 7th section of No. 28 House of Representatives file, A bill for an act to amend an act organizing Board of County Commissioners in each county, and have agreed to th section added by the Council.

I herewith present, for your signature, five enrolled bills, the same havin been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Johnston, from the committee on the judiciary, to whom was referre

No. 70, Council file, A bill to make certificates of purchase of lands fro any land office in this Territory, evidence of title in the purchaser;

Reported the same back to the Council without amendment, and begge to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referr

No. 47, Council file, A bill to amend an act entitled an act concerning th custody of persons arrested for crimes and misdemeanors,

Reported the same back to the Council with one amendment, and asked be discharged from the further consideration of the subject;

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, reported

No. 84, A bill for an act respecting marks and brands for horses cattle, sheep and hogs;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Hall, in accordance with previous notice, had leave and introduced

No. 85, Council file, A bill to incorporate the Keosauqua Bridge Company;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 24th inst., to his Excellency the Governor, for his approval,

An act to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate;

An act to legalize certain acts of the Board of Commissioners of Clinton county.

Mr. Springer gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A memorial to Congress praying for an appropriation to construct a bridge across the Iowa river at Wapello, in Louisa county.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 37, Council file, A bill entitled an act requiring Justices of the Peace to give notice to the Clerk of the District Court of their resignations, and

No. 39, Council file. An act to amend an act entitled an act to provide for the appointing of Justices of the Peace, to prescribe their duties and to regulate their proceedings, together with a resolution on the same subject, reported

No. 86, A bill for an act to amend an act to provide for the appointment of Justices, to prescribe their powers and duties, and to regulate their proceedings;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Hastings, in accordance with previous notice, had leave and introduced

No. 87, Council file, A bill to amend an act concerning writs of attachment;

Which was read a first time, and,

On motion by Mr. Wallace,

The usual number of copies were ordered to be printed.

On motion by Mr. Springer,

No. 43, Council file, Joint resolution providing for publishing the reports of Supreme Court of the July session, A. D. 1840, and for other purposes,

Was taken from the table, and read a third time.

Mr. Bailey moved that it be referred to a select committee;

Which was lost.

The question being on the passage of the resolution;

The yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Browne, Hall, Hastings, Johnston, Springer, and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Kirkpatrick, Leffler, and Wallace—7.

So the resolution was lost.

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company, was read a second time.

On motion by Mr. Greene,

The Council proceeded to consider the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

The bill was ordered to be engrossed for a third reading.

No. 81, Council file, A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, was read a second time, and,

On motion by Mr. Browne,

Referred to the committee on the judiciary.

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials,

Was read a second time, and,

On motion by Mr. Browne,

Referred to the committee on the judiciary.

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license, approved January 4, 1840,

Was read a second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Johnston being in the chair;

After some time spent in its consideration, the bill was reported back to the Council with several amendments.

On motion,

The first amendment made by the committee was agreed to.

The question being on the adoption of the second amendment made by the committee,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Coop, Greene, Hastings and Kirkpatrick—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Johnston, Leffler, Springer, Wallace and President—8.

So the amendment was lost.

On motion by Mr. Kirkpatrick,

The bill was referred to a select committee composed of Messrs. Kirkpatrick, Hastings and Coop.

On motion by Mr. Hastings,

Mr. Bailey, was added to said committee.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 35, Council file, A bill to prevent trespass on lands;

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes;

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory,

And find them to be correctly engrossed.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred the communication of Mr. Secretary Stull, reported

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory;

Which was read a first time.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Bainbridge,

And were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and President—10.

NAYS—Messrs. Bainbridge, Hall, and Wallace—3.

So the bill passed; its title being agreed to.

No. 74, House of Representatives file, A joint resolution requesting our Delegate to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk,

Was read a third time and passed; title agreed to.

No. 47, House of Representatives file, An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

Was read a third time and passed; title agreed to.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory, came up in order.

Mr. Springer offered an amendment,

Which was agreed to.

The bill was read a third time and passed; title agreed to.

No. 35, Council file, A bill to prevent tresass on lands,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Kirkpatrick,

And were as follows:

YEAS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston, Leffler, and Springer—8.

NAYS—Messrs. Bailey, Kirkpatrick, and President—3.

So the bill was passed, and its title agreed to.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Came up in order, and was read a third time and passed; title agreed to.

No. 69, Council file, A bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory,

Was read a third time.

The question being on its passage, the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bailey, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, and Leffler—8.

NAYS—Messrs. Coop, Springer, and President—3.

So the bill was passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 70, House of Representatives file, A bill for an act to amend an act entiled an act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings, approved January 21, 1839,

Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to a select committee;

Messrs. Johnston, Leffler, and Wallace were appointed said committee.

No. 68, House of Representatives file, A joint resolution relative to the public printing, was read a first time.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Was read a first time.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named. was read a first time.

No. 9, Council file, Preamble and resolution relative to the southern boundary line of this Territory,

Was read, as amended by the House of Representatives and,

On motion by Mr. Johnston,

The amendments made by the House concurred in.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a board of county commissioners in each county,

Came up in order, the House disagreeing to the amendments made thereto by the Council.

On motion,

The Council insisted on the amendment.

On motion by Mr. Hastings,

No. 17, Council file, A bill to change the time of holding the District Court in the second judicial district, was taken from the table.

Mr. Hastings moved that the Council consider the same as in committee of the whole;

Which was carried, Mr. Leffler taking the chair;

After some time spent in its consideration, the bill was reported back to the Council without amendment.

The report of the committee was concurred in, and,

On motion by Mr. Hastings,

The bill was referred to the delegation from the second judicial district, viz: Messrs. Hastings, Springer and Greene.

On motion by Mr. Leffler,

The resolution offered by him, relative to the compensation of James W. Woods, for superintending the printing of Journal, &c., was taken from the table.

Mr. Greene moved an amendment, by adding, after the word "Council," the words "Assistant Secretary be entitled to receive one hundred and fifty dollars for making out the abstracts of the Council during the present session.

The vote being taken on the amendment, it was lost.

The question being on the passage of the resolution,

It was carried.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, Jan. 26, 1842.

The Council met pursuant to adjournment.

A quorum not being present,

Mr. Hastings moved a call of the Council, which was had, the following members answering to their names, viz:

Messrs. Bailey, Bainbridge, Hall, Hastings, Leffler, Springer and President.

The absent members appearing,

Mr. Hall moved that a further call of the Council be dispensed with.

Carried.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 46, Council file, A joint resolution authorizing payment to George C. Robbins for engraving seals.

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company.

No. 58, Council file, A bill to authorize Jesse Wright and Henry Bateman to keep a ferry.

No. 60, Council file, A joint resolution providing for the distribution of reports of the Supreme Court.

No. 43, House of Representatives file, A bill to amend an act to district the Territory into Electoral districts.

No. 63, House of Representatives file, A bill defining the jurisdiction of the Supreme and District Courts.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union.

The House insist upon their disagreement to the amendment of the Council to No. 28, House of Representatives file.

I herewith present for your signature

An act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

An act to locate a Territorial road from Richmond, in Washington county.

The same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial road from Salem, in Muscatine county, to Tipton, Cedar county; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying that the Legislature would take into consideration the subject of reducing the salary, per diem, of the county officers in said county; which,

On motion,

Was referred to the committee on the judiciary.

Mr. Hastings, from the select committee, to whom was referred

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District;

Reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company;

And find the same to be correctly engrossed.

Mr. Coop, from the committee on roads, reported

No. 60, House of Representatives file, A bill to amend an act entitled an act establishing certain Territorial roads; with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the select committee to whom was referred the petition the petition of sundry citizens of Cedar, Linn and Johnson counties, with regard to the establishment of certain Post Offices, reported

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence, with the Post Master General, relative to the establishment of certain Post Offices, &c.,

Which was read a first time.

Mr. Leffler asked leave and introduced

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.;

Which was read a first time.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 25th inst., to his Excellency, the Governor, for his approval

An act to divorce Sarah East from her husband. Hardman E. W. East.

An act to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

An act to incorporate the town of Mount Pleasant.

A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey, of the present northern boundary line of the Half Breed Sac and Fox reservation in Lee county.

An act to legalize the location of a Territorial road in Henry county.

On motion by Mr. Hastings,

The Council resolved itself into Executive session on the message from his Excellency, the Governor.

The Council resumed its regular session.

Mr. Greene moved, to adjourn;

On which the yeas and nays were called for by Mr. Bainbridge,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Johnston, Leffler, Springer and President—9.

NAYS—Messrs. Hall, Hastings, Kirkpatrick and Wallace—4.

So the Council adjourned until 10 o'clock to-morrow morning.

Thursday Morning, Jan. 27, 1842.

The Council met pursuant to adjournment.

Mr. Leffler presented the petition of James L. Morgan, relative to compensation for services rendered the Territory; which, together with the accompanying documents, were,

On motion by Mr. Browne,

Referred to the committee on claims.

Mr. Greene, from the committee on incorporations, reported, with several amendments,

No. 85, Council file, A bill for an act to incorporate the Keosauqua Bridge Company; and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Hall,

The bill was laid upon the table subject to the order of the Council.

Mr. Springer, from the joint committee on enrollments, reported that said

committee presented, on the 26th inst., to his Excellency, the Governor, for his approval

An act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

An act to locate and establish a Territorial road from Richmond in Washington county, to intersect a road from Iowa City to the county line of Washington county.

An act to incorporate the Washington Manufacturing Company.

A joint resolution providing for the distribution of the reports of the Supreme Court.

An act to authorize the county Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman, to keep a ferry across the Des Moines river, at Watertown.

Preamble and resolution in relation to the southern boundary of this Territory.

A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory, with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a board of county Commissioners in each county ;

Came up in order, as returned by the House of Representatives, the House insisting on their disagreement to the amendment made by the Council.

Mr. Bailey moved that the Council recede from their amendment.

On motion by Mr. Greene,

The bill was ordered to be laid upon the table until to-morrow.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union ;

Was read a first time.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts ;

Was read a first and second time, and

On motion by Mr. Hall,

Referred to the committee on the judiciary.

No. 43, House of Representatives file, A bill to amend an act to district the Territory of Iowa into Electoral districts, &c;

Was read a first and second time.

Mr. Browne moved its indefinite postponement ;

Which was lost, and

On motion by Mr. Bainbridge,

The bill was ordered to be laid upon the table.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith Jr.;

Was read a second time, and

On motion by Mr. Leffler,

Ordered to be engrossed for a third reading to-morrow.

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General, relative to the establishment of certain Post Offices;

Was read a second time, and

On motion by Mr. Wallace,

The Council proceeded to consider the same as in committee of the whole, Mr. Coop being in the chair.

After some time spent in its consideration, the memorial was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bailey offered the following amendment, viz:

That Post Offices be established, in Van Buren county, at Byron F. Wilson's and James Brooks';

Which was adopted.

Mr. Springer offered the following:

That a Post Office be established at Columbus City, in Louisa county.—Also,

A Post Office at Crawfordsville in Washington county;

Which were adopted.

Mr. Coop offered the following:

That a Post Office be established in Jefferson county at John Jewett's;

Which was adopted.

Mr. Greene offered the following:

That a Post Office be established at Franklin, in Linn county;

Which was adopted.

Mr. Wallace offered the following:

That a Post Office be established at Washington in Henry county;

Which was adopted.

Mr. Leffler offered the following:

That a Post Office be established at Dodgeville in Des Moines county;

Which was adopted.

Mr. Hastings offered the following:

That a Post Office be established at Poweshiek, Muscatine county;

Which was adopted.

On motion,

The memorial was ordered to be engrossed for a third reading.

No. 68, House of Representatives file, A joint resolution relative to the public printing;

Was read a second time.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named;

Was read a second time.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county;

Was read a second time.

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly, was read a second time, and,

On motion by Mr. Hastings,

Ordered to be engrossed for a third reading to-morrow.

No. 84, Council file, A bill for an act respecting marks and brands for horses, cattle, sheep and hogs, was read a second time, and,

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Greene being in the chair;

After some time spent in its consideration, the same was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, four enrolled bills, the same having been signed by the Speaker of the House of Representatives.

The House have disagreed to all the amendments made by the Council to No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory."

The bills were signed by the President.

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District, being in order,

Mr. Greene moved that the Council consider the same as in committee of the whole;

Which was carried, Mr. Kirkpatrick taking the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes, came up in order.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same, as in committee of the whole, Mr. Wallace being in the chair;

After some time spent therein, the same was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings offered the following amendment:

Sec. 8. That all laws now in force in this Territory, authorizing the levying of a poll tax, be and the same are hereby repealed.

Mr. Springer offered an amendment by striking out the words "poll tax," and insert "taxes in the Territory of Iowa,"

And the question being on the same,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Kirkpatrick, Springer, and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Leffler, and Wallace—9. Lost.

The question recurring on the original amendment,

Mr. Springer called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, and Hastings—6.

NAYS—Messrs. Hall, Kirkpatrick, Leffler, Springer, Wallace and President—6.

So the amendment was rejected.

Mr. Wallace moved an amendment by striking out the word "shall," in Sec. 1, and inserting the word "may," and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, and Wallace—9.

NAYS—Messrs. Browne, Springer, and President—3.

So the amendment was agreed to.

The question being on the bill coming up for a third reading,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Kirkpatrick, Leffler, Wallace, and President—10.

NAYS—Messrs. Hastings, and Springer—2.

So the bill was ordered to a third reading.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

Came up in order, the House of Representatives disagreeing to the amendments made by the Council in the same.

Mr. Wallace moved that the Council adhere to its amendments;

Which was carried.

Mr. Hastings moved that the Council adjourn;

On which Mr. Leffler called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, and Springer—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Leffler, Wallace, and President—6.

So the motion was lost.

Mr. Bainbridge moved that the Council adjourn;

On which Mr. Hastings called for the yeas and nays, which were as follow:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, and Springer—5.

NAYS—Messrs. Bailey, Greene, Hastings, Kirkpatrick, Leffler, Wallace, and President—7.

So the motion was lost.

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser,

Came up in order, and,

On motion,

Was ordered to be engrossed for a third reading.

No. 47, Council file, A bill to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors,

Came up in order, as reported by the committee on the judiciary.

On motion,

The report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on county and township boundaries;

Which was lost.

Mr. Coop moved an amendment, by striking out the word "four," and inserting the word "two;" which was carried.

On motion,

The bill was ordered to be engrossed for a third reading.

Mr. Springer moved to adjourn until 10 o'clock to-morrow morning;

Which was lost.

Mr. Browne moved to adjourn until 9 o'clock to-morrow morning;

Which was lost.

Mr. Hastings had leave and introduced

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa, authorizing the levying of a poll tax;

Which was read a first time.

Mr. Wallace moved that it be indefinitely postponed; which was lost.

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company, came up in order, and was,

On motion by Mr. Hastings,

Referred to the committee on Territorial affairs.

Mr. Greene offered the following:

Resolved, That Edward J. Darkin be allowed the sum of one hundred and fifty dollars for preparing abstracts of the Journal of the Council for publication, during the present session, and that the committee on expenditures be instructed to incorporate the same in the appropriation bill; which was,

On motion by Mr. Browne,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Springer moved that the Council adjourn until 10 o'clock on to-morrow morning, and called for the yeas and nays, which were as follows;

YEAS—Messrs. Hall, Kirkpatrick, Springer, Wallace, and President—5.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hastings, and Leffler—6.

So the motion was lost.

On motion by Mr. Hall,

The Council adjourned until to-morrow morning, at 9 o'clock.

Friday Morning, Jan. 28, 1842.

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of the county of Washington, praying that a charter may be granted by the Legislature to an Exporting Company; which was,

On motion,

Referred to a select committee composed of Messrs. Springer, Leffler, and Hastings.

Mr. Hall presented the petition of sundry citizens of Van Buren county, asking for a change in the criminal code in relation to counterfeiting; which,

On motion,

Was referred to the committee on the judiciary, with instructions to report a bill.

Mr. Hall presented the petition of sundry citizens of Van Buren county, praying the re-location of a certain Territorial road; which,

On motion,

Was referred to a select committee, composed of Messrs. Hall and Bailey.

Mr. Hastings, from the committee on incorporations, to whom was referred No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company,

Reported the same back to the Council with sundry amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence, with the Post Master General, relative to the establishment of certain Post Offices;

No. 84, Council file, A bill for an act respecting marks and brands for horses cattle, sheep and hogs;

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser;

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa;

No. 47, Council file, A bill to amend an act entitled an act concerning the custody of persons arrested for crimes and misdemeanors;

No. 17, Council file, A bill to change the time of holding the District Court in the second judicial district;

And find the same to be correctly engrossed.

No. 87, Council file, A bill to amend an act concerning writs of attachment;

Mr. Hasting moved that the Council consider the same in committee of the whole; which was lost, and,

On motion by the same gentleman,

The bill was referred to the committee on the judiciary.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a second time, and,

On motion by Mr. Hastings,

Ordered to be engrossed for a third reading to-morrow.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved January 13, 1841,

Came up in order, as reported by the committee on roads.

On motion,

The amendments made by the committee were concurred in, and the bill ordered to a third reading.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

No. 13, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county,

Came up in order, and was,

On motion by Mr. Hastings,

Referred to the committee on Territorial affairs.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840, came up in order;

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, the same gentleman being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment, and,

On motion by Mr. Hastings,

Was ordered to be laid upon the table until to-morrow.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Came up in order, and was,

On motion,

Ordered to a third reading.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named, came up in order, and,

On motion,

Was ordered to a third reading.

No. 68, House of Representatives file, A joint resolution relative to the public printing, was,

On motion by Mr. Hall, that the usual rule be suspended,

Read a second and third time, and passed.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union, was,

On motion by Mr. Springer, that the usual rule be suspended,

Read a second and third time, and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have rejected—

No. 35, Council file, A bill to prevent trespass on lands.

I herewith present, for your signature, two enrolled bills and three joint resolutions, the same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Was read a third time.

The question being on its passage, the yeas and nays were called for by Mr. Springer, and were as follows:

Yeas—Messrs. Bailey, Browne, Coop, Greene, Hall, Kirkpatrick, Leffler and President—8.

Nays—Messrs. Bainbridge, Hastings and Springer—3.

So the bill was passed, and its title agreed to.

The following bills came up in order:

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District;

Was read a third time and passed; title agreed to.

No. 48, Council file, A bill to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors,

Was read a third time and passed; title agreed to.

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser,

Was read a third time and passed; title agreed to.

No. 84, Council file, A bill for an act respecting marks and brands for horses, cattle, sheep and hogs,

Was read a third time and passed; title agreed to.

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa,

Was read a third time and passed.

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of a poll tax, was read a second time, and,

On motion by Mr. Springer,

Referred to the committee on the judiciary.

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory,

Came up in order, as reported by the committee on Territorial affairs, and,

On motion by Mr. Leffler,

The Council proceeded to a consideration the same as in committee of the whole, Mr. Springer being in the chair;

After some time spent therein, the same was reported back to the Council with sundry amendment.

On motion by Mr. Coop,

The bill was referred to the committee on Finance.

No. 15, House of Representatives file, as reported by the committee on the judiciary, being the special order of the day, was,

On motion by Mr. Coop,

Considered by the Council as in committee of the whole, Mr. Bainbridge being in the chair;

After some time spent therein, Mr. Johnston moved that the committee rise, report progress, and ask leave to sit again. Which was carried.

Mr. Hall moved that the committee have leave to sit again on Monday next. Which was carried.

Mr. Browne moved that the Council resolve itself into executive session. Which was carried.

On motion,

The Council resumed its regular session.

Mr. Browne moved that the Council adjourn until 10 o'clock on Monday morning.

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Browne, Greene, Hall, Johnston, Leffler, Wallace, and President—7.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hastings, Kirkpatrick, and Springer—6.

So the Council adjourned until 10 o'clock on Monday morning.

Monday Morning, Jan. 31, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways.

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river, (with amendments.)

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of settlers on the half-breed lands.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory.

No. 71, A bill for an act amending an act defining the duties of supervisors of roads and highways.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river.

No. 81, House of Representatives file, A bill for an act for the relief of the poor.

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary, in Benton County.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband John Wilson.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connolly.

No. 87, House of Representatives file, A bill establishing a Territorial road from Denson's Ferry, on the Wabesipinicon, towards Dubuque.

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

No. 89, House of Representatives file, A bill to authorize Wm. Pickerell, and others, to construct, keep, and maintain a dam across Skunk river.

The House adhere to their disagreement to the amendments made by the Council to

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes.

The House have also passed—

No. 71, House of Representatives file, A bill for an act subjecting real and personal estate to execution.

No. 77, House of Representatives file, A bill for the encouragement of agriculture.

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby.

No. 93, House of Representatives file, A bill to review a part of the Territorial road from Keokuk to Iowaville.

No. 96, House of Representatives file, A bill to re-locate the county seat of Lee county.

No. 101, House of Representatives file, A resolution authorizing the payment of money to John Lorton.

In all of which the concurrence of the Council is requested.

The House have agreed to all the amendments made by the Council to

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes, except the 7th section added by the Council, to which the House have disagreed.

The House have appointed Messrs. Morgan, Biggs, Hebard, Felkner and Robertson the committee on the part of the House, in compliance with the joint resolution relative to the public printing."

Mr. Hastings presented the petition of sundry citizens of Muscatine and Johnson, praying the appointment of a commissioner to locate a Territorial road from some point near Col. Chas. Nealy's, on the nearest and best route to Iowa City; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the report of the Grand Inquest for the body of Muscatine county; which,

On motion,

Was referred to the select committee to whom was referred a bill to amend the law concerning grocery licenses.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying that commissioners may be appointed to establish a Territorial road between Toolsborough, in Louisa county, and Iowa City; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the establishment of a Territorial road from Bloomington, via Storms' Settlement, in Muscatine county, to Fredonia, in Louisa county, which,

On motion,

Was referred to the committee on roads.

Mr. Springer presented the remonstrance of sundry citizens of Washington county, against the repeal of an act entitled "an act regulating blacks and mulattoes," which,

On motion was ordered to be laid upon the table.

Mr. Springer presented the petition of sundry citizens of Louisa county, praying that a ferry license may be granted to William Milligan and Daniel Brewer; which,

On motion,

Was referred to the committee on incorporations.

Mr. Coop presented the petition of sundry citizens of Jefferson and Washington counties, praying the re-location of a certain Territorial road from Brighton, in Washington county, to Fairfield in Jefferson county, which,

On motion,

Was referred to the committee on roads,

Mr. Bailey presented the petition of sundry citizens of the town of Keosauqua, in the county of Van Buren, praying for an act of incorporation under the name of "the city of Keosauqua;" which,

On motion,

Was referred to a select committee composed of Messrs. Bailey and Hall.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 28th inst., to his Excellency the Governor, for his approval and signature,

A joint resolution requesting our Delegate in Congress to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk.

An act to district the county of Jackson into three commissioners' districts.

An act supplementary to an act entitled an act to authorize evidence by the oath of parties.

An act to authorize Robert M. G. Patterson to keep a ferry across the Mississippi river at the mouth of the Nassau Slough.

An act to incorporate a college at Washington, in Washington county.

An act to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown.

Preamble and resolution in relation to the southern boundary line of this Territory.

A joint resolution providing for the distribution of the Reports of the Supreme Court.

A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones ; and

An act to incorporate the Washington Manufacturing Company.

Mr. Springer, from the select committee to whom was referred the petition of sundry citizens of the county of Washington, reported

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company;

Which was read a first time.

Mr. Johnston. from the select committee to whom was referred

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 90, Council file, A memorial to Congress for the relief of Jeremiah, Smith, Jr.

An find it correctly engrossed, and also,

No. 76, Council file, A bill concerning oaths and affidavits.

Mr. Leffler, from the committee on finance, to whom was referred

No. 62, Council file, A bill to provide for the inspection of beef, and pork and flour in this Territory,

Reported the same back to the Council with sundry amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

On motion by Mr. Browne,

The Council resolved itself into Executive session.

The Council resumed its regular session.

Mr. Bailey, from the committee on common schools, made a report accompanied with

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of libraries in the school districts in this Territory.

The report was read, and,

On motion,

The committee were discharged.

Mr. Hastings moved that 500 copies of the report be printed.

Mr. Leffler moved the following amendment: "and that the usual number of the bill be printed"

Mr. Wallace moved a division of the question, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Browne, and Wallace—3.

So the motion to print 500 copies of the report was carried.

The question recurring on Mr. Leffler's amendment, it was carried and the usual number of the bill ordered to be printed.

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved Jan. 17, 1840,

Came up in order, as amended by the House of Representatives.

Mr. Springer moved that the Council disagree to the amendments made by the House.

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Coop, Greene, Hall, Kirkpatrick, Springer and President—6.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hastings, Johnston, Leffler, and Wallace—7.

So the motion was lost.

The amendments made by the House were concurred in.

The following bills came up in order:

No. 72, House of Representatives file, A bill to provide for opening and improving the National road, was read a first time.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river,

Was read a first time.

No. 81, House of Representatives file, A bill for an act for the relief of the poor,

Was read a first and seeond time, and,

On motion,

Referred to the committee on Territorial affairs.

No 82, House of Representatives file, A bill for an act to authorize the establish ment of poor houses,

Was read a first and second time, and,

On motion,

Referred to the committee on Territorial affairs.

No. 96, House of Representatives file, A bill for an act to re-locate the county seat of Lee county,

Was read a first and second time, and, together with the accompanying documents,

On motion,

Referred to a select committee composed of Messrs. Johnston and Browne.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county, was read a first time.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson, was read a first and second time, and

On motion by Mr. Wallace,

Laid upon the table subject to the order of the Council.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Was read a first and second time, and

On motion,

Referred to the committee on Territorial affairs.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's ferry, on the Wabesipinicon, toward Dubuque, was read a first time.

No. 89, House of Representatives file, A bill for an act to authorize William Pickrell, and others, to construct, keep and maintain a dam across Skunk river, was read a first time.

No. 93, House of Representatives file, A bill for an act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Johnston and Browne.

No. 88, House of Representatives file, A bill to provide for the election of an acting Commissioner at Iowa City, defining his duties, and for other purposes,

Was read a first and second time.

Mr. Hastings moved that it be referred to the committee on the judiciary;

Which was lost.

On motion by Mr. Johnston,

The bill was referred to the committee on public buildings.

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

Was read a first and second time, and

On motion,

Referred to the committee on claims.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Was read a first and second time, and

On motion,

Referred to the committee on claims.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Was read a first and second time, and

On motion,

Referred to the committee on agriculture.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Was read a first and second time, and

On motion,

Referred to the committee on the judiciary.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory.

The House of Representatives insisting on disagreeing to the amendments made by the Council in the same;

On motion by Mr. Johnston,

It was ordered to be laid upon the table.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes.

The House insisting on disagreeing to the amendments made by the Council;

On motion by Mr. Wallace,

The Council insisted on its amendments.

Messrs. Johnston, Coop and Hall were appointed a committee, on the part of the Council, to act with a similar committee, on the part of the House, relative to the public printing.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a third time and passed; title agreed to.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.,

Was read a third time and passed.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved, January 13th 1841,

Was read a third time and passed; title agreed to.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Was read a third time and passed; title agreed to.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Bailey moved to adjourn until two o'clock P. M.

Which was lost.

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4, 1839,

Coming up in order, it was,

On motion by Mr. Hastings,

Made the order of the day for Wednesday next.

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

Came up in order as amended by the House.

On motion,

The amendment was concurred in.

Mr. Leffler asked, and had leave, to introduce

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment,

Was read a first and second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

The report of the committee was concurred in, and

On motion,

The committee had leave to sit again to-morrow.

On motion,

The Council adjourned until to-morrow morning, at 9 o'clock.

Tuesday Morning, Feb. 1, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented the petition of John M. Coleman, praying a charter for a ferry across the Iowa river, which,

On motion,

Was referred to the committee on incorporations.

Mr. Springer offered the following:

Resolved, That the Cashier of the Miners' Bank of Dubuque be requested to make out and furnish the Council, as soon as may be, with a correct statement of its affairs, verified by his affidavit, which,

On motion,

Was adopted.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred

No. 59, Council file, A resolution relative to the claim of Samuel Mazzuchelli,

Reported the same back to the Council without amendment, recommending its indefinite postponement, and asked to be discharged from a further consideration of the subject.

The committee were discharged; and,

On motion by Mr. Hastings,

The resolution was ordered to be laid upon the table, subject to the order of the Council.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the same committee, to whom was referred

No. 81, House of Reptesentatives file, A bill for an act for the relief of the poor,

Reported the same back to the Council, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Keosauqua, in Van Buren county, reported

No. 96, Council file, An act to incorporate the city of Keosauqua;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Springer, from the joint committee on enrolled bills, reported that said committee have examined the following bills, viz:

No. 56, Council file, An act to amend an act entitled an act for the benefit of settlers, &c, on the half-breed lands.

No. 67, Council file, An act to revive an act to incorporate Iowa City, and for other purposes.

No 68, Council file, An act to establish a Territorial road from Keosauqua to the southern boundary of the Territory; and

No. 71, Council file, An act amending an act defining the duties of supervisors of roads and highways.

And find the same to be correctly enrolled.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of Louisa county, praying that a ferry charter might be granted to William Milligan and Daniel Brewer, reported

No. 97, Council file, A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello, in Louisa county;

Which was read a first time.

No. 25, House of Representatives file, A bill for an act to provive for levying a tax on real and personal property for road purposes,

Came up in order, and,

On motion by Mr. Bailey,

A committee composed of Messrs. Bailey, Hastings, and Hall was appointed by the Council, to confer with a similar committee on the part of the House, relative to the amendments made by the Council to the bill.

On motion by Mr. Wallace,

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

Was taken from the table, and,

On motion by the same gentleman,

A similar committee, composed of Messrs. Wallace, Kirkpatrick and Springer, were appointed by the Council for the same purpose.

In accordance with the resolution offered by Mr. Springer, Mr. Bainbridge presented the following statement of the Cashier of the Miners' Bank of Dubuque :-

Statement of the affairs of the Miners' Bank of Dubuque, Jan. 1, 1842.

LIABILITIES.

Capital stock,	$100,000 00
Discounts received,	880 27
Due depositors,	5,094 25
Special deposites,	3,069 65
Notes on special deposite with other banking institutions,	46,000 00
Bank notes in circulation,	167,030 00
	$322,074 17

ASSETS.

Real estate,	$ 14,973 14
Personal property,	5,682 03
Stocks,	8,000 00
Loans and Discounts,	151,976 94
Bills of Exchange,	11,588 75
Due from other banking institutions,	53,763 65
Notes of other banks, (chiefly Illinois,	32,812 00
Gold, silver and notes of State Bank of Missouri,	43,277 66
	$322,074 17

I hereby certify that the foregoing is a correct statement of the affairs of the Miners' Bank of Dubuque, according to the best of my knowledge and belief. (Signed) T. O. MARTIN, Cashier.

Sworn and subscribed before me. this 1st day of February, 1842.

(Signed) JOHN HAWKINS, Justice of the Peace,

Which was read, and

On motion,

Was referred to a committee of the whole.

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment, being the order of the day,

On motion,

The Council resumed its sitting as a committee of the whole, Mr. Hastings being in the chair ;

After some time spent in the consideration of the resolution, it was reported back to the Council with one amendment.

The report of the committee was concurred in.

Mr. Hall moved the indefinite postponement of the resolution ;

On which the yeas and nays were called for by Mr. Bailey,

And were as follows :

YEAS—Messrs. Hall, Springer, and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and Wallace—10.

So the motion was lost.

Mr. Coop moved that it be referred to the committee on incorporations, and that Mr. Bainbridge, of Dubuque, and Mr. Wallace, of Henry, be added to said committee, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, ohnston, Kirkpatrick, Leffler, and President—10.

NAYS—Messrs. Hall Springer, and Wallace—3.

So the resolution was so referred.

Mr. Johnston from the select committee to whom was referred

No. 93, Council file, A bill for an act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville, on the Des Moines river,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 98. Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison;

Which was read a first time. Also,

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith;

Which was read a first and second time, and,

On motion,

Together with the accompanying documents, referred to the committee on the judiciary.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Bailey asked to be excused from acting on the committee of conference appointed to meet a committee on the part of the House on No. 25 House of Representatives file.

On motion,

Mr. Bailey was excused, and Mr. Johnston appointed in his stead.

Mr. Springer offered the following:

Resolved, That the committee on public buildings, to whom was referred No. 88, House of Representatives file, A bill to provide for the election of a Acting Commissioner at Iowa City, &c., be instructed to report to the Council to-morrow morning.

And also, that the same committee, to whom was referred a resolution requesting said committee to inquire into the expediency of memorializing Congress to give the reserved sections contiguous to Iowa City to the Terr

tory for the purpose of completing the Capitol, be instructed to report on to-morrow morning; which,

On motion,

Was adopted.

Mr. Hall from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line;

Which was read a first time.

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of Libraries in the school districts of this Territory,

Being in order, was read a second time.

On motion by Mr. Bailey,

The Council proceeded to consider the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—I herewith present for your signature, four enrolled bills, the same having been signed by the Speaker of the House of Representatives.

The House have appointed Messrs. Biggs, Hebard, and Patterson, a committee of conference on the part of the House relative to the disagreeing votes of the two Houses, on

No. 39, House of Representatives file, A memorial to Congress relative to mail routes."

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing company,

Being in order, was read a second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, Mr. Johnston being in the chair;

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Greene moved an amendment, by striking out all after the word 'Iowa,' in section 6.

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

Yeas—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

Nays—Messrs. Bainbridge, Browne, Hall, Springer, and Wallace—5.

So the amendment was adopted.

Mr. Hastings offered an amendment, by striking out the word 'mixed,' in the first section, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Leffler, and President—6.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Kirkpatrick, Springer, and Wallace—7.

So the motion was lost.

On motion,

The bill was ordered to be engrossed for a third reading.

No. 89, House of Representatives file, A bill for an act to authorize W. Pickrell, and others, to construct, keep, and maintain a dam across Skunk river,

Was read a second time, and

On motion by Mr. Springer,

Referred to the committee on incorporations.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary, in Benton County,

Was read a second time, and,

On motion by Mr. Greene,

Referred to a select committee composed of Messrs. Greene, Bainbridge, and Hastings.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river,

Was read a second time, and,

On motion by Mr. Bailey,

Ordered to be engrossed for a third reading to-morrow.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road,

Which was read a second time.

Mr. Hastings moved an amendment, by striking out the word "National," wherever it occurs, and inserting the word "Military."

Which was agreed to, and

On motion by Mr Coop,

The bill was ordered for a third reading to-morrow.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's Ferry, on the Wabesipinicon, toward Dubuque;

On motion by Mr. Kirkpatrick,

The bill was referred to a select committee, composed of Messrs. Kirkpatrick, Bainbridge and Greene.

Mr. Greene gave notice that he would, on to-morrow, or some subsequent day, introduce a bill relative to the survey of the town of Marion.

Mr. Browne moved that the resolution relative to the payment of Edward J. Darkin, for making out abstracts of Journal of Council, be taken from the table. Which was done, and

On motion,

The resolution was referred to the committee on claims.

No. 74, Council file, Memorial for donation of lands to establish a seminary of learning at West Point, in Lee county,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices, &c.,

Which was read a second time, and,

On motion by Mr. Johnston,

Referred to a committee of the whole, and made the order of the day for Friday next.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Came up in order, and,

On motion by Mr. Springer,

A committee of conference, composed of Messrs. Springer, Wallace, and Greene, was appointed on the part of the Council relative to the disagreeing votes of the two Houses.

Mr. Hastings offered the following:

Resolved, That the committee on claims be instructed to inquire into the expediency of allowing George S. Hampton extra pay for copying memorials, and for other extra services.

Mr. Springer offered the following amendment:

Insert after the word "Hampton," "and the other officers of the Council, for whom no provisions have been made for extra compensation for extra services."

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene and Hastings—5.

So the amendment was adopted.

The question recurring on the resolution, as amended,

The yeas and nays were called for by Mr. Springer, and were as follow:

YEAS—Messrs. Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Bainbridge, Coop, Springer, and Wallace—5.

So the resolution was adopted.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company,

Came up in order, as amended by the committee to whom it was referred.

On motion,

The report of the committee was concurred in, and,

On motion by Mr. Wallace,

The bill was ordered to be laid upon the table.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of Jefferson county, reported

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county;

Which was read a first time.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license,

Had leave, and reported, together with the report, a substitute, viz:

No. 102, Council file, A bill to repeal all the existing laws relative to granting grocery licenses.

Mr. Bainbridge moved that the usual number of the bills, together with 500 copies of the report be printed.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Leffler, and President—8.

NAYS—Messrs. Bainbridge, Hall, Springer, and Wallace—4.

So the motin to print was carried.

On motion,

The Council adjourned until 9 o'clock, to morrow morning.

Wednesday Morning, Feb. 2, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented the following:

Resolved, As the sentiments of this meeting, that we are in favor of changing the present law, so that instead of real estate being subject to redemption when sold under execution, that it be sold at a price not less than two-thirds its appraised value, without redemption; which,

On motion,

Was referred to the committee on the judiciary.

Mr. Hastings presented the proceedings of a meeting of sundry citizens of Bloomington, Muscatine county, on the subject of changing the name of the town of Bloomington, which,

On motion,

Was referred to the committee on incorporations.

Mr. Hastings presented the petition of 79 citizens of the town of Bloomington, praying that the name of the town of Bloomington be changed to that of Muscatine.

Mr. Hastings presented a remonstrance of 101 citizens of the town of Bloomington and county of Muscatine, against any change in the name of said town, which, together with the previous petition,

Was referred to the committee on incorporations.

Mr. Coop presented the petition of sundry citizens of the county of Jefferson, praying for a resurvey of the Territorial road between Brighton and Fairfield, which,

On motion,

Was referred to the committee on roads.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 1st inst., to his Excellency, the Governor, for his approval

An act to revive an act to incorporate Iowa City, and for other purposes.

An act amending an act defining the duties of Supervisors of roads and highways.

An act to establish a Territorial road from Keosauqua to the southern boundary of the Territory.

Mr. Springer, from the same committee, reported that said committee had examined

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved, January 17th 1840 ; and

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

And found the same to be correctly enrolled.

Mr. Springer, from the committee on the judiciary, to whom was referred

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem in Muscatine county,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations to whom was referred

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment, reported as a substitute for the same,

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment,

And asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne moved a call of the Council, which was had, all the members, Mr. Johnston excepted, answering to their names.

The absentee appearing,

On motion by Mr. Springer,

A further call of the Council was dispensed with.

On motion by Mr. Hastings,

The bill (No. 103, Council file,) was read a first and second time, and

The Council proceeded to consider the same as in committee of the whole, Mr. Bailey being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings offered the following, being the addition of

Section 4. Nothing in this act shall be so construed as to legalize the sus-

pension of specie payments, or any other violation or abuse of the charter of said bank;

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Coop, Greene, Hall and Wallace—4.

So the amendment was adopted.

Mr Bainbridge, moved that the bill be indefinitely postponed;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick and Leffler—7.

So the motion was lost.

Mr. Bainbridge moved that it be referred to a select committee, the gentleman from Des Moines being chairman of the same.

By leave of the Council, the motion of Mr. Bainbridge was withdrawn.

Mr. Bainbridge moved an amendment by striking out the "4th day of March" and inserting "the first day of August, 1842, provided that said Bank shall resume at as early a day, prior to the first day of August, as the Illinois Banks or the Bank of Indiana;"

On which the yeas and nays were called for by Mr. Coop,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick and Springer—6.

So the amendment was adopted.

Mr. Coop offered the following amendment.

Section 5. That all and every person resident within this Territory, who may be indebted, either by promisory note, bill, bond or account, or by verbal contract, or any other indebtedness whatever, to said Bank, shall not be compelled by any law now in force, or hereafter to be enforced, in this Territory, to make payment to said Bank previous to the resumption of specie payment by said Bank.

And that all laws conflicting with the provision of this section be, and the same are hereby repealed.

Mr. Bailey moved that the bill and amendments be laid upon the table subject to the order of the Council;

Which was lost.

The question being on the adoption of Mr. Coop's amendment,

The yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Springer and Wallace—6.

So the amendment was adopted.

Mr. Coop moved that the bill be engrossed and read a third time to-morrow;
On which the yeas and nays were called for by Mr. Springer,
And were as follows:
YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.
NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.
So the bill was ordered to a third reading.
The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:
"Mr. PRESIDENT—The House of Representatives have indefinitely postponed
No. 64, Council file, A bill for an act amending an act regulating weights and measures. Also,
No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington in Muscatine county."
Mr. Browne gave notice that he would, on to-morrow, ask leave to introduce a bill to authorize William Smith to construct a mill dam across the Des Moines river in Lee county.
Mr. Johnston from the committee on the judiciary to whom was referred
No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots, in Iowa City, and their sale for work and materials. Also,
No. 81, Council file, A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes,
Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.
On motion,
The committee were discharged.
Mr. Greene, from the committee on incorporations to whom was referred
No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport,
Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.
On motion,
The committee were discharged.
Mr. Wallace, from the committee on claims to whom was referred the memorial of T. S. Parvin, asking compensation for services as private Secretary to the Governor during the first session of the Iowa Legislature,
Reported that said committee have had the same under consideration, and are of opinion that the Legislature have no right to authorize the Secretary of the Territory to appropriate any money, now in his hands, to pay said claim, and asked to be discharged from a further consideration of the subject.
On motion,
The committee were discharged, and
On motion by Mr. Hastings,
The report of committee was ordered to be laid upon the table.
Mr. Johnston from the committee on the judiciary to whom wns referred
No. 87, Council file, A bill to amend an act concerning writs of attachment,

Reported the same without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the same committee to whom was referred

No. 63, Council file, A bill for an act defining the jurisdiction of the Supreme and District Courts,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

Mr. Hastings, from the committee on public buildings to whom was referred

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, chairman of the committee on Territorial affairs, to whom was referred the memorial relative to the sections contigious to Iowa City, asked leave to delay reporting the same until Monday next.

Which was granted.

Mr. Coop gave notice that he would, on to-morrow, or some day thereafter, ask leave to introduce a bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have appointed Messrs. Whitaker, Toole and Hepner, a committee of conference, on the part of the House, relative to the disagreeing votes of the two Houses on

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county; also,

Messrs. Patterson, Robertson and Quinton a committee of conference, on the part of the House, relative to the disagreeing vote of the two Houses in

No. 25, House of Representatives file.

The House of Representatives have passed—

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment.

In which the concurrence of the Council is requested."

Mr. Springer, from the joint committee appointed to confer upon the disagreeing votes of the Council and House of Representatives in relation to the 7th section of

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county, reported

That said committees have held a conference upon the subject, and recommend that the amendments made to said bill, by the Council, be agreed to.

On motion,

The report of the committee was concurred in.

On motion by Mr. Browne,

The Council proceeded to consider, in committee of the whole

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4, 1839, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with amendments.

The question being on concurring in the amendments made by the committee of the whole.

Mr. Johnston moved a call of the Council, which was had, Mr. Bailey only not answering to his name.

The absentee appearing,

On motion by Mr. Kirkpatrick,

The further call of the Council was dispensed with.

The question being on concurring in the first amendment,

It was determined in the negative.

On motion,

The second and third amendments were disagreed to.

On motion,

The fourth amendment was agreed to.

Mr. Wallace moved that the eleventh section be inserted, "That any person convicted of murder, according to the first, second and third sections of an act entitled an act defining crimes and punishments, approved January 25th, 1839, shall be punished by confinement in the penitentiary during his or her natural life. And the court before whom such conviction shall be had, shall, in its sentence, determine what time such offender shall be kept in solitary confinement; and that so much of said sections as require the crime of murder to be punished with death, is hereby repealed; provided that all infractions of said act, committed before the passage of this act, shall be punished according to its provisions,

And called for the yeas and nays on the same;

Which were as follows:

YEAS—Messrs. Hall, Kirkpatrick and Wallace—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Leffler, Springer and President—10.

So the motion was lost.

Mr. Hastings moved that section 10 be striken out.

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—9.

NAYS—Messrs. Browne, Johnston, Springer and President—4.

So the section was stricken out, and

On motion,

The bill was ordered to a third reading to-morrow.

Mr. Greene moved that

No. 33, House of Representatives file, A bill for the incorporation of religious societies, be taken from the table;

Which was lost.

On motion by Mr. Springer,

The Council proceeded to consider, in committee of the whole,

No. 97, Council file, A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello in Louisa county, Mr. Browne being in the chair.

After some time spent in its consideration, the same was reported back to the Council with amendments.

On motion,

The report of the committee was concurred in.

Mr. Greene offered the following amendment:

Section 6. Any future Legislature, of the Territory or State of Iowa, may amend or repeal this act;

Which was lost, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 98, Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison,

Being in order, was read a second time, and

On motion by Mr. Greene,

Laid upon the table subject to the order of the Council.

On motion by Mr. Kirkpatrick,

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river,

Was taken from the table, and

On motion,

Referred to a select committee composed of Messrs. Kirkpatrick, Bainbridge and Greene.

Mr. Springer moved a reconsideration of the vote on taking from the table No. 33, House of Representatives file, A bill for the incorporation of religious societies;

Which was decided in the negative.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line,

Being in order, was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 101, Council file, A bill to relocate a part of a Territorial road in Jefferson county,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 102, Council file, A bill to repeal all the existing laws relative to granting Grocery license,

Was read a second time.

Mr. Springer moved its indefinite postponement;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Greene, Hastings and Kirkpatrick—3.

So the bill was indefinitely postponed.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road, being in order,

Was read a third time, and passed; title agreed to.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the Rapids in the Mississippi river,

Was read a third time, and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of Libraries, being on its third reading, was,

On motion by Mr. Wallace,

Referred to a select committee, composed of Messrs. Wallace, Leffler and Kirkpatrick.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's ferry, on the Wabesipinicon, toward Dubuque,

Reported the same back to the Council without amendment, together with a petition on the same subject, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Kirkpatrick,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

The bill was ordered to a third reading to-morrow.

On motion by Mr. Greene,

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company,

Was taken from the table, read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly, was read a second time.

The question being on ordering it to a third reading,

The yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was ordered to a third reading.

On motion by Mr. Leffler,

The Council proceeded to consider, in committee of the whole,

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory, Mr. Greene being in the chair.

After some time spent in its consideration, the same was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

Mr. Wallace moved that the Council adjourn;

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston, Kirkpatrick, Wallace and President—8.

NAYS—Messrs. Browne, Greene, Hastings, Leffler and Springer—5.

So the Council adjourned until 9 o'clock, to morrow morning.

Thursday Morning, Feb. 3, 1842.

The Council met pursuant to adjournment.

Mr. Leffler offered the following:

Resolved, That O. H. W. Stull, Secretary of the Territory, be allowed the sum of dollars, for services rendered, and personal expenses in procuring to be transported from Burlington to Iowa City, (the new capitol,) the effects of the Territory and public library, and for actual labor performed in preparing both houses of the Legislative Assembly of Iowa; which,

On motion,

Was referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company;

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment;

And find them to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 89, House of Representatives file, A bill for an act to authorize W. Pickrell, and others, to construct, keep, and maintain a dam across Skunk river,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Coop, in accordance with previous notice, had leave and introduced

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

Which was read a first time, and

On motion,

The usual number of copies were ordered to be printed.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

The report of the committee was concurred in, and,

The bill was ordered for a third reading to-morrow.

Mr. Kirkpatrick, from the committee on agriculture, to whom was referred

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Reported the same to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, from the minority of the select committee to whom was referred a bill amendatory to an act regulating groceries in this Territory, reported

That after some investigation of the subject, they have come to the conclusion that the law existing on that subject at present, is sufficient to answer all the purposes that can now be expected from any law on the subject, and recommend the indefinite postponement of the bill, asking to be discharged from the further consideration of the subject.

On motion by Mr. Browne,

The report of the committee was ordered to be laid upon the table, subject to the order of the Council.

Mr. Greene, from the committee on incorporations, to whom was referred No. 97, Council file, A bill to incorporate the City of Keosauqua,

Reported the same back to the Council with an additional section, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne, in accordance with previous notice, had leave and introduced

No. 105, Council file, A bill to authorize William Smith to build a dam across the Des Moines river, in Lee county;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Browne had leave and offered

No. 106, Council file, Joint resolution relative to compensating Mr. Walter Butler for the use of the building occupied by the Legislative Assembly during its present session;

Which was read a first and second time, and

On motion,

Referred to the committee on claims.

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment,

Being in order, was read a first time.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory, came up in order.

Mr. Springer offered the following amendment:

Sec. 18. This act shall be in force and take effect from and after the first day of July next.

Mr. Greene moved an amendment to the amendment of Mr. Springer, by striking out the words "the first day of July," and inserting the words, "the first day of May."

The question being on striking out,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Coop, Greene, Hastings, and Leffler—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, and President—7.

The question being on the adoption of section 18,

The yeas and nays were called for by Mr. Leffler, and were as follows:

YEAS—Messrs. Hall, Kirkpatrick, Springer, and President—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, and Leffler—7.

Mr. Greene offered the following:

Sec. 18. This act shall take effect and be in force from and after the first day of May next;

And called for the yeas and nays on the same.

Mr. Springer moved to amend the amendment, by striking out May and inserting September; which was lost.

The question recurring on the original amendment,

The yeas and nays were called for by Mr. Greene, and were as follows:

YEAS—Messrs. Coop, Greene, Hall, Hastings, Kirkpatrick, and President—6.

NAYS—Messrs. Bailey, Bainbridge, Browne, Leffler, and Springer—5.

So the amendment was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed, with amendments—

No. 89, Council file, Joint resolution requesting our Delegate in Congress to ouse his influence with the Post Master General relative to the establishment of post offices.

The House have also passed—

No. 99, House of Representatives file, A bill for an act to re-locate a part of the Territorial road from Farmington to Dubuque.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City.

No. 103, House of Representatives file, A bill to divorce Nicey Hull from her husband, Cornelius C. Hull.

No. 104, House of Representatives file, A bill for an act to authorize the County Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson for their services in locating the county seat of said county.

I herewith return for your signature, two enrolled bills, the same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

On motion by Mr. Hall,

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson,

Was taken from the table, and

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Bainbridge being in the chair;

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

The question being on its being ordered to a third reading,

The yeas and nays were called for by Mr. Springer, when,

Mr. Hastings moved a call of the Council;

Which was had, all the members, Mr. Johnston excepted, answering to their names.

The absentee appearing,

On motion by Mr. Kirkpatrick,

The further call of the Council was dispensed with, and the Secretary proceeded to call the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was orddered to a third reading.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's Ferry, on the Wabasapinecon, toward Dubuque,

Being in order, was read a third time and passed; title agreed to.

No. 74, Council file, Memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county,

Being in order, was read a third time and passed.

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company,

Being in order, was read a third time and passed; title agreed to.

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment;

Being in order, was read a first time.

The question being on its passage,

The yeas and nays were called for by Mr. Bainbridge,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace, and President—6.

So the bill was passed.

Mr. Hall offered the following amendment to the title of the bill:

"And for the relief of the debtors to the Bank within the Territory."

Which was adopted.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Johnston from the committee on the judiciary to whom was referred

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent in and for the county of Johnston,

Reported the same to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the same committee to whom was referred

No 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a bill for an act to incorporate the First Presbyterian Church at Fort Madison.

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings, passed, January 4, 1839,

Being in order, was read a third time and passed; title agreed to.

Mr. Hastings moved that No. 33, House of Representatives file, A bill for the incorporation of Religious Societies, be taken from the table;

Which was lost.

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Came up in order, as amended by the House of Representatives.

Mr. Greene moved that the amendment locating a post office at B. M'Gonigle's, Washington Settlement, Linn county, be disagreed to.

Which was carried.

On motion by Mr. Bailey,

The remainder of the amendments made by the House were agreed to.

No. 99, House of Representatives file, A bill for an act to re-locate a part of the Territorial road from Farmington to Dubuque,

Being in order, was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Kirkpatrick, Coop, and Hastings.

Mr. Greene gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill to incorporate the Methodist Episcopal Church at Marion.

A bill to incorporate the Presbyterian Church at Marion.

A bill to incorporate the Methodist Episcopal Church at Ivanhoe.

A bill to incorporate the Episcopal Church at Davenport.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Being in order, was read a first and second time, and

On motion,

Referred to the committee on roads.

No. 103, House of Representatives file, A bill for an act to divorce Nicey Hull from her husband, Charles Cornelius Hull,

Was read a first and second time.

Mr. Greene moved its indefinite postponement.

On which the yeas and nays were called for by Mr. Hastings;

Mr. Hall moved a call of the Council, when it appeared that Messrs. Bainbridge and Wallace were absent.

The absentees appearing,

On motion by Mr. Greene,

The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

NAYS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

So the motion to indefinitely postpone the bill was lost, and

On motion by Mr. Hall,

Referred to a committee of the whole, and made the order of the day for to-morrow.

No. 104, House of Representatives file, A bill to authorize the County Commissioners of Delaware county to pay to William Smith, Sen., William Jonas, and Thomas Denson for their services as commissioners to locate the county seat of said county,

Being in order, was read a first time.

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Came up in order, and

On motion by Mr. Johnston,

Was laid upon the table subject to the order of the Council.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport, being in order, was

On motion,

Ordered to a third reading.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 106, Council file, A bill relative to the survey of the town of Marion,

Which was read a first time.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Missippi river opposite Salem, in Muscatine county,

Came up in order, and

On motion,

Was ordered to be engrossed for a third reading.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts, being in order,

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hall being in the chair;

After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and,

The bill was ordered to a third reading.

Mr. Hastings gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill to authorize the President and Trustees of the town of Bloomington to vacate alleys in certain cases.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No 87, Council file, A bill to amend an act concerning writs of attachment, being in order,

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Kirkpatrick being in the chair:

After some time spent therein, the bill was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Springer moved that section 4 be stricken out, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Coop, Hall, Kirkpatrick, Springer, Wallace, and President—6.

NAYS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, and Leffler—6.

So the motion was lost, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 81, House of Representatives file, A bill for an act for the relief of the poor, came up in order, and

On motion,

Was ordered for a third reading.

No. 82, House of Representatives file, A bill for an act to authorize the establishment of Poor Houses, being in order,

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, the bill was reported back to the Council with one omendment.

On motion,

The report of the committee was concurred in.

The question being on the bill being ordered to a third reading,

The yeas and nays were called for by Mr. Kirkpatrick,

And were as follows:

YEAS—Messrs. Hastings, Kirkpatrick, Wallace and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Johnston, Leffler and Springer—7.

So the bill was lost.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, two enrolled bills and one joint resolution, the same having been signed by the Speaker of the House of Representatives;"

Which were signed by the President.

No. 88, House of Representatives file, A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes, being in order,

Mr. Hastings moved that the same be considered in committee of the whole.

Mr. Wallace moved a call of the Council,

When it appeared that Messrs. Bainbridge and Hall were absent.

On motion,

The further call of the Council was dispensed with.

The Council now proceeded to consider the bill in committee of the whole, Mr. Johnston being in the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments,

On motion,

The report of the committee was concurred in.

Mr. Springer moved the following amendment:

After the words "shall be," in 3d line of 1st section, insert "appointed by the Governor, by and with the advise and consent of the Council."

Mr. Wallace moved a call of the Council, which was had, all the members answering to their names, Messrs. Bainbridge and Hall excepted.

The absentees appearing,

On motion by Mr. Browne,

The further call of the Council was dispensed with.

Mr. Hastings called for the yeas and nays on Mr. Springer's amendment,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

So the amendment was lost.

Mr. Bainbridge moved the following amendment:

That so much of the 7th section of the organic law, as conflicts herewith, be and the same is hereby repealed;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bainbridge, Springer and Wallace—3.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—9.

Mr. Browne refusing, was excused from voting.

So the amendment was not adopted.

On motion by Mr. Springer,

The usual rule was suspended and the bill read a third time,

When the question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

So the bill passed, and

On motion,

Its title was agreed to.

Mr. Greene, from the select committee to whom was referred

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill providing for a special term of the Supreme Court.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Being in order, was read a second time, and

On motion,

Ordered to a third reading to-morrow.

No.'s 80 and 81, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials, and A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, were,

On motion,

Ordered to be laid upon the table subject to the order of the Council.

Mr. Johnston, from the select committee to whom was referred

No. 96, House of Representatives file, A bill for an act to relocate the county seat of Lee county,

Reported the same back to the Council, and recommended its indefinite postponement.

Mr. Johnston called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Wallace—5.

So the bill was indefinitely postponed.

On motion by Mr. Browne,

The report of the minority of the select committee to whom was referred No. 75, Council file, A bill amendatory to an act regulating grocery license, approved, January 4th, 1840, and recommending the indefinite postponement of said bill,

Was taken from the table.

On motion,

The report of the committee was not adopted.

Mr. Springer moved an amendment by striking out "pint," in the 2d line of section 2, and inserting "quart,"

Which was carried.

The question being on the bill being ordered to a third reading,

The yeas and nays were called for by Mr. Leffler,

And were as follows:

YEAS—Messrs. Browne, Hastings, Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, and Leffler—7.

So the bill was lost.

On motion,

So the Council adjourned until 9 o'clock, to morrow morning.

Friday Morning, Feb. 4, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the petition of sundry citizens of the county of Linn, praying for the re-location of the Territorial road running from Cedar Rapids to Ephraim T. Lewis's, which,

Together with a remonstrance on the same subject, was,

On motion,

Referred to the committee on roads.

Mr. Browne presented the petition of sundry citizens of Iowa City, praying for an act of incorporation for a fire department, which,

On motion,

Was referred to the committee on Territorial affairs.

Mr. Leffler, from the committee on finance to whom was referred the subject of interest on some of the outstanding debts of the Territory, reported

No. 107, Council file, A bill to authorize the payment of interest upon scrip certificates and other evidences of indebtedness issued on behalf of the public buildings;

Which was read a first time.

Mr. Johnston, from the committee on the judiciary to whom was referred

No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate;

Reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 108, Council file, A bill for an act to incorporate the First Presbyterian Church of Fort Madison; which was read a first time,

Mr. Kirkpatrick, from the select committee to whom was referred

No. 69, House of Representatives file, A bill for an act to re-locate a part of a Territorial road from Farmington to Dubuque,

Reported the same back to the Council with two amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and J. H. Smith.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county.

No. 97, Council file, A bill to authorize William Milligan and D. Brewer to keep a ferry at Wapello in Louisa county; and

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line, and find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations to whom was referred

No. 105, Council file, A bill to authorize William Smith to construct a dam across the Des Moines river, in Lee county;

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer from the joint committee on enrollments, reported that said committee presented, on the 3d inst., to his Excellency, the Governor, for his approval

An act to amend an act entitled an act for opening and regulating roads and highways, approved, January, 17, 1840, and

An act to re-locate a certain part of a Territorial road running from Burlington to the mouth of the Des Moines river.

The following bills came up in order:

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases;

Was read a second time, and

On motion by Mr. Bainbridge,

Referred to the committee on the judiciary.

No. 104, House of Representatives file, A bill to authorize the county Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson, for their services as Commissioners to locate the county seat of said county;

Was read a second time, and

On motion by Mr. Kirkpatrick,

Ordered for a third reading to-morrow.

No. 106, Council file, A bill relative to the survey of the town of Marion,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport,

Was read a third time and passed; title agreed to.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson;

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Hastings, Johnston, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed, and title agreed to.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts;

Was read a third time and passed; title agreed to.

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county,

Was read a third time and passed; title agreed to.

No. 81, House of Representatives file, A bill for an act for the relief of the poor,

Was read a third time, and

On motion by Mr. Johnston,

Ordered to be laid upon the table subject to the order of the Council.

On motion by Mr. Springer,

A reconsideration was had of the vote taken yesterday on

No. 82, House of Representatives file, A bill for an act to authorize the establishment of Poor Houses, and the bill was,

On motion by Mr. Bainbridge,

Ordered to be laid upon the table subject to the order of the Council.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the Southern Territorial line,

Was read a third time.

Mr. Hall moved that the blanks be filled with the names of Charles Davis, John Burner and Stephen Weekley;

Which was carried, and

On motion,

The bill was passed and its title agreed to.

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county,

Was read a third time and passed; title agreed to.

No. 97, Council file, A bill to authorize William Milligan and D. Brewer to keep a ferry at Wapello, in Louisa county;

Was read a third time and passed.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Was read a third time, and passed; title agreed to.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Missippi river opposite Salem, in Muscatine county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory,

Was read a third time.

The question being on its passage,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Johnston, Leffler and President—6.

NAYS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Springer and Wallace—6.

So the bill was lost.

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment,

Was read a second time.

Mr. Greene moved that it be laid upon the table;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Springer—8.

NAYS—Messrs. Bainbridge, Hall, Wallace and President—4.

So the bill was ordered to be laid upon the table.

Mr. Hastings moved to take from the table

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13, 1840;

Which was lost.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 95, House of Representatives file, A bill for an act to provide for the

expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State constitution and government, and to enable them to form a constitution for the State of Iowa,

The House have concurred in the report of the committee of conference on

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county.

The House having disagreed to all the amendments made by the Council to

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings, except to the striking out of the 11th section, to which the House have agreed.

The House insist on their amendment, being the 23d clause to

No. 89, Council file, A joint resolution relative to Post Offices.

The House disagreed to the amendments of Council to

No. 72, House of Representatives file, A bill to provide for opening and improving the National road."

On motion by Mr. Springer,

The Council proceeded to consider, in committee of the whole,

No. 103, House of Representatives file, A bill to divorce Nicey Hull from her husband, C. C. Hull, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Springer offered the following amendment, and called for the yeas and nays on the same, viz:

That from and after the passage of this act, parties may become divorced from the bonds of matrimony by filing, in the office of the Clerk of the District Court, in any county in this Territory, a paper signed by themselves declaratory of their mutual consent to the dissolution of the marriage contract subsisting between them, without the intervention of a court of Chancery or an application to the Legislative Assembly.

And when either party to a marriage contract may be desirous of becoming divorced, the marriage contract shall be rescinded by filing, as aforesaid, a statement expressive of his or her desire to become divorced, with their seals thereunto affixed and attested by two justices of the peace.

The yeas and nays were as follows:

YEAS—Mr. President—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—12.

So the amendment was lost.

Mr. Hall moved the following amendment:

"This act to take effect and be in force from and after its passage;"

Which was adopted.

On motion by the same gentleman,

The usual rules were suspended and the bill read a third time, when

The question being on its passage,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed and its title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

On motion by Mr. Springer,

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices, &c., was considered by the Council in committee of the whole, Mr. Hall being in the chair, and

After some time spent in its consideration, was reported back to the Council with sundry amendments.

On motion by Mr. Bainbridge,

The bill was ordered to be laid upon the table.

Mr. Bainbridge moved that the Council adjourn until 2 o'clock P. M.

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—11.

NAYS—Mr. Wallace—1.

So the Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

Mr. PRESIDENT—The House of Representatives have concurred in all the amendments made by the Council to

No. 88, House of Representatives file, A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes, by filling the blank in the first amendment of the Council.

The House have indefinitely postponed

No. 1, Council file, A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

No. 3, Council file, A memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers.

The House have passed

No. 85, House of Representatives file, A bill to locate certain Territorial roads therein named.

No. 107, House of Representatives file, A bill to revive the 12th section of an act establishing certain Territorial roads therein named.

In all of which the concurrence of the Council is requested."

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

No. 93, House of Representatives file, A bill for an act to review and establish a part of a Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river, was,

On motion,

Ordered for a third reading to-morrow.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Came up in order, as reported by the select committee to whom it was referred, and

On motion,

Ordered to a third reading.

No. 89, House of Representatives file, A bill for an act to authorize William Pickrell, and others to construct, keep and maintain a dam across Skunk river, was,

On motion,

Ordered to a third reading.

Mr. Hastings moved that the Council consider

No 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, in committee of the whole;

Which was carried.

Mr. Hastings moved a call of the Council, which was had, all the members, Messrs. Coop and Wallace excepted, answering to their names.

Mr. Coop appearing,

On motion by Mr. Leffler,

The further call of the Council was dispensed with.

The Council now proceeded to a consideration of the bill in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The question being on concurring in the report of the committee;

Mr. Hastings moved a call of the Council, when it appeared that Mr. Wallace was absent.

On motion by Mr. Hastings,

The further call of the Council was dispensed with, and

On motion by the same gentleman,

The bill and amendments were referred to a select committee composed of Messrs. Hastings, Wallace and Kirkpatrick.

No. 96, Council file, A bill to incorporate the city of Keosauqua, came up in order as amended by the committee on incorporations.

On motion,

The report of the committee was concurred in, and

The bill was ordered to be engrossed for a third reading.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture, was

On motion,

Ordered to a third reading.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840, was

On motion,

Ordered to be engrossed for a third reading.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa upon the

subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Was read a first and second time, and

On motion by Mr. Springer,

Made the special order of the day for Wednesday next.

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings,

Came up in order, the House disagreeing to all the amendments made by the Council, except the striking out of the 11th section.

Mr. Hastings moved that the Council recede from its amendment of striking out 6th section.

Which was carried.

Mr. Springer moved that the Council recede from its amendment of striking out 10th section.

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows:

YEAS—Messrs. Browne, Johnston, Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, and Leffler—9.

So the motion was lost.

Mr. Hastings moved that the Council insist on its amendment of striking out 10th section.

Which was carried.

Mr. Greene moved that the Council recede from the amendment of striking out 1st section.

Which was lost.

Mr. Johnston moved that the Council insist upon the amendment of striking out 1st section.

Which was lost.

On motion by Mr. Springer,

The last vote was reconsidered, and the question was decided in the affirmative, the amendment being insisted on.

Mr. Bailey moved that the Council recede from the amendment of striking out 4th section.

Which was lost.

Mr. Hastings moved that the Council insist on its amendment.

Which was carried.

Mr. Springer moved that the Council insist on the amendment of striking out part of the 5th section.

Which was carried.

Mr. Bainbridge moved a call of the Council;

Which was had, when it appeared that Mr. Wallace was absent.

On motion by Mr. Hasting,

The further call of the Council was dispensed with.

On motion by Mr. Hastings,

A committee of conference, composed of Messrs. Hastings, Springer, and Johnston, was appointed by the Council to meet a similar committee on the part of the House, relative to the disagreeing votes of the two Houses.

No. 89, Council file, Joint resolution requesting our Delegate in Con-

gress to use his influence with the Post Master General relative to the establishment of certain post offices,

Came up in order, as amended by the House—the House insisting on its amendments.

Mr. Greene moved that the Council adhere to its amendment.

Which was lost.

Mr. Springer moved that the Council recede from its amendment.

Which was carried.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road,

Came up in order, the House disagreeing to the amendment made by the Council in the same.

On motion by Mr. Hastings,

The Council insisted on its amendment.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Was read a first and second time, and

On motion by Mr. Kirkpatrick,

Ordered for a third reading on Monday next.

No. 107, House of Representatives file, A bill for an act to revive the twefth section of an act establishing certain Territorial roads therein named,

Was read a first and second time, and

On motion by Mr. Coop,

Ordered for a third reading to-morrow.

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Came up, as amended by the House of Representatives, and was,

On motion by Mr. Hastings,

Ordered to be laid upon the table until to-morrow morning.

Wr. Coop moved that the Council adjourn, when

Mr. Browne called for the yeas and nays,

Which were as follows;

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Leffler, Springer, and President—7.

NAYS—Messrs. Bainbridge, Browne, Greene, Kirkpatrick, and Wallace 5.

So the Council adjourned until 9 o'clock, to-morrow morning.

Saturday Morning, Feb. 5, 1842.

The Council met pursuant to adjournment.

Mr. Hastings, from the committee on Territorial affairs to whom was referred the petition of sundry citizens of Iowa City, relative to an act of incorporation for a fire engine company, reported

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company.

Which was read a first time.

Mr. Greene, from the committtee on incorporations, to whom was referred the petition and remonstrance of sundry citizens of Muscatine county relative to changing the name of the town of Bloomington, reported

That said committee have examined the same, and find that the remonstrance constains much the greatest number of names, and that said committee believe that the name of a place, like government, should not be changed for light and transient causes, and therefore recommend no change in the name of said town of Bloomington, asking to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 87, Council file, A bill to amend an act concerning writs of attachment.

And find the same to be correctly engrossed.

No. 107, Council file, A bill for an act to revive the twelfth section of an act establishing certain Territorial roads therein named,

Being in order, was read a second time.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Leffler being in the chair;

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved to strike out the enacting clause, and called for the yeas and nays on the same.

Mr. Jonston moved a call of the Council,

Which was had, all the members answering to their names, Messrs. Hall and Leffler excepted.

The absentees appearing,

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Springer, and Wallace–6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—7.

So the motion to strike out was lost.

Mr. Wallace moved that the bill be indefinitely postponed;

On which the yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Springer and Wallace–6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

So the motion was lost.

Mr. Coop moved that the bill be referred to the committee on the judiciary;

Which was carried.

No. 105, Council file, A bill to authorize William Smith to construct a dam across the Des Moines river, in Lee county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Hastings,

The vote receding from the amendment made by the Council to

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Was reconsidered, and

On motion,

The amendment was insisted on.

The following bills came up in order:

No. 107, House of Representatives file, A bill for an act to revive the twefth section of an act establishing certain Territorial roads therein named,

Was read a third time and passed; title agreed to.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Was read a third time and passed; title agreed to.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Was read a third time and passed; title agreed to.

No. 89, House of Representatives file, A bill for an act to authorize Wm. Pickrell, and others to construct, keep and maintain a dam across Skunk river,

Was read a third time, and passed; title agreed to.

No. 93, House of Representatives file, A bill for an act to review and re-establish a part of a Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river,

Was read a third time and passed; title agreed to.

No. 104, House of Representatives file, A bill to authorize the county Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson, for their services as Commissioners to locate the county seat of said county,

Was read a third time and passed; title agreed to.

No. 87, Council file. A bill to amend an act concerning writs of attachment.

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 99, House of Representatives file, A bill for an act to re-locate a part of a Territorial from Farmington to Dubuque,

Came up in order, as reported by the select committee to whom it was referred;

On motion,

The report of the committee was concurred in, and

The bill ordered to a third reading.

No. 40, Council file. A bill to authorize the Board of Commissioners of each county in this Territory, to appoint an agent to convey and dispose of real estate,

Came up in order, as reported by the committee on the judiciary.

On motion,

The report of the committee was concurred in.

Mr. Greene offered the following amendment: after the word 'authorized,' in 3d line of sec. 1, insert 'at their discretion.'

Which was adopted, and the bill was ordered to be engrossed for a third reading.

On motion by Mr. Hastings,

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair;

After some time spent therein, the same was reported back to the Council with one amendment.

The question being on concurring in the report of the committee,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, and Leffler—5.

So the report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on roads;

Which was lost.

Mr. Springer moved that it be indefinitely postponed, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, and Leffler—6.

So the bill was indefinitely postponed.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport;

Which was read a first and second time, and

On motion by Mr. Bainbridge,

Said bill was amended by inserting the name of J. W. Parker in the 5th line of the first section of said bill; and

On motion,

Said bill was ordered to be engrossed for a third reading. Also,

No. 111, Council file, A bill to incorporate the First Methodist Episcopal Church at Marion;

Which was read a first and second time, and

The usual rule suspended and the bill read a third time and passed; title agreed to.

No. 108, Council file, A bill for an act to incorporate the First Presbyterian Church of Fort Madison,

Being in order, was read a second time, and

On motion,

The rule was suspended, and the bill read a third time and passed; title agreed to.

On motion by Mr. Springer,

No. 43, House of Representatives file, A bill to amend an act to district the Territory of Iowa into electoral districts,

Was taken from the table and read a second time, and

On motion,

The rule was suspended, and said bill read a third time and passed; title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick, in accordance with previous notice, had leave and introduced

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

Which was read a first and second time, and

On motion,

Ordered to be engrossed and read a third time on Monday next.

No. 88, House of Representatives file, A bill to provide for the appontment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Coming up, as amended by the House of Representatives,

Mr. Bailey moved to amend the amendment of the House, by striking out the name of Chauncey Swan, and insert the name of Walter Butler.

Mr. Hastings called for a division of the question, which was had;

And the question being on striking out the name of Chauncey Swan,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Coop, Greene, and Hastings—3.

So said name was stricken out.

The question recurring on the motion of Mr. Bailey, to insert the name of Walter Butler,

Mr. Springer called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—10.

NAYS—Messrs. Hall, Springer and Wallace—3.

So the amendment of the House was amended, by striking out the name of Chauncey Swan, and inserting the name of Walter Butler.

Ordered, That the Secretary notifiy the House of Representatives accordingly.

On motion by Mr. Hastings,

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved January 13, 1840,

Was taken from the table, and

On motion,

The report of the committee was concurred in, and the usual rule suspended;

The bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Wallace,

No. 86, Council file, Was taken from the table, and the amendments made in committee of the whole were concurred in, and

On motion,

Said bill was ordered to be engrossed, and read a third time on Monday next.

On motion,

The Council adjourned until 10 o'clock, on Monday morning.

Monday Morning, Feb. 7, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have appointed Messrs. Grant, Leffler and Hepner, a committee of conference, on the part of the House, relative to the disagreements between the two Houses on

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings.

The House have receeded from their amendment to

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence for the establishment of Post Offices.

The House have receeded from their disagreement to the amendment of the Council to

No. 72, House of Representatives file, A bill to provide for opening and improving the Military road.

The House have passed

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute.

No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills.

No. 115, House of Representatives file, A bill to authorize James Leonard to keep a ferry across the Mississippi river.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river.

No. 117, House of Representatives file, A bill to establish a road from Wm. Clark's to Marion.

No. 118, House of Representatives file, A bill to establish a road from Marion to Eades' Grove.

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees.

Also with amendments.

No. 47, Council file, A bill to amend an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

No. 70, Council file, A bill to make certificates of purchase of lands, from any land office in this Territory, evidence of title in the purchaser.

I herewith present for your signature, four enrolled bills, all of which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Browne presented the petition of sundry citizens of Fort Madison, praying for a new act of incorporation for the town of Fort Madison, which,

On motion,

Was referred to a select committee composed of Messrs. Browne and Johnston.

Mr. Johnston presented the petition of sundry citizens of the county of Lee, praying that a ferry charter might be granted to Wm. H. Lloyd for a ferry across Skunk river, which,

On motion,

Was referred to a select committee composed of the delegation from Des Moines and Lee counties.

Mr. Hall presented the petition of J. E. Ely, praying that a law might be passed annulling the bonds of matrimony existing between himself and Minerva Ely, which,

On motion,

Was referred to a select committee composed of Messrs. Hall, Leffler and Bainbridge.

Mr. Johnston, from the committee on the Library, to whom was referred the annual report of the Librarian, reported

That they find, upon examination, that many valuable additions should, as soon as practicable, be made to the Territorial Library; but from the small amount of the appropriation for Legislative expenses, they deem it prudent to recommend only the purchase of a few works which are absolutely necessary; the names of which they have embodied in

No. 113, Council file, Joint resolution for the purchase of books for the Territorial Library,

And ask to be discharged from a further consideration of the subject.

The joint resolution was read a first time, and

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred the petition of James M. Morgan, reported

No. 114, Council file, Joint resolution relative to compensating James M. Morgan for services rendered the Territory,

Which was read a first time.

Mr. Johnston, from the committee on the judiciary to whom was referred the petition of sundry citizens of Van Buren county, praying an amendment in the criminal law, reported

No. 115, Council file, A bill for an act to amend an act regulating criminal proeeedings, and asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to the appraisement and sale of real estate, without redemption, for not less than two-thirds its value,

Reported the same back to the Council, and recommended its reference to the committee to whom was referred a bill amending an act exempting real and personal property from execution, &c., and asked to be discharged from the further consideration of the subject.

On motion,

The report of the committee was adopted.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate ;

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relating to an amendment to the practice act, permitting the plaintiff to swear to his demand, &c., made the following report, viz ;

That the substance of said amendment is embraced in a bill amending the law relating to evidence by the oath of parties, passed during the present session, and therefore they ask the adoption of the following resolution :

Resolved, That the committee be discharged from the further consideration of the subject.

On motion,

The report of the committee was adopted.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation, reported as a substitute for the same

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of poll tax,

Reported the same back to the Council, recommending its indefinite postponement, and asked the adoption of the following resolution :

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in, and the committee discharged.

Mr. Springer, from the committee on the judiciary to whom was referred a resolution instructing said committee to report a bill to amend an act to prevent and punish gaming, reported in compliance therewith

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming, and asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Reported the same back to the Council without amendment, recommending its indefinite postponement.

Mr. Springer, from the committee on the judiciary to whom was referred

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases,

Reported that said committee have had the same under consideration, and reported said bill back to the Council with the following amendments :

1st. Strike out the 15th and 16th sections.

2d. In the 17th section, strike out the words "and also the last clause of the 8th section of an act regulating the issuing of writs of Ne Exeat and injunction," approved, January 25th, 1837, and asked to be discharged from any further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 106, Council file, A bill relative to the survey of the town of Marion.

No. 61, Council file, A bill for an act to authorize the appointment of a county Agent in and for the county of Johnson.

On motion by Mr. Johnston,

No. 98, Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison,

Was taken from the table, and read a first and second time.

On motion,

The rule was suspended, and the bill having been read a third time, was passed, its title being agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company;

Was read a second time, and

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Springer,

The bill was ordered to be laid upon the table subject to the order of the Council.

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary institute,

Being in order, was read a first time.

No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people,

Being in order, was read a first and second time, and

On motion by Mr. Bailey,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bailey being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Browne,

The bill was referred to the committee on the judiciary.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills, in Henry county,

Being in order, was read a first time.

No. 115. House of Representatives file, A bill for an act to authorize James Leonard to establish and keep a ferry across the Mississippi river at the town of Charleston, in Jackson county,

Being in order, was read a first and second time, and

On motion by Mr. Kirkpatrick,

Referred to a select committee composed of Messrs. Kirkpatrick, Bainbridge and Greene.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Mess. Coop, Springer and Wallace.

No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Greene, Hastings and Kirkpatrick.

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,

Was read a first and second time, and

On motion,

Referred to the same committee as No. 117, H. R. file.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees, was read a first time.

No. 47, Council file, A bill amending an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

Came up as amended by the House of Representatives.

On motion by Mr. Greene,

The amendments were concurred in.

No. 70, Council file, A bill to make certificates of purchase of lands, from any land office in this Territory, evidence of title in the purchaser.

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved, January 17th, 1840,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Browne,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Leffler and Springer—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Wallace and President—6.

So the bill was lost.

No. 61, Council file, A bill for an act to authorize the appointment of a county Agent in and for the county of Johnson.

Was read a third time, and

On motion by Mr. Greene,

Ordered to be laid upon the table subject to the order of the Council.

No. 106, Council file, A bill relative to the survey of the town of Marion.

Was read a third time and passed; title agreed to.

No. 99, House of Representatives file, A bill for an act to re-locate a part of a Territorial from Farmington to Dubuque,

Was read a third time and passed; title agreed to.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named, came up in order, and was,

On motion by Mr. Browne,

Ordered to be laid upon the table subject to the order of the Council.

On motion by Mr. Greene,

No. 79, Council file, A bill amendatory to an act to regulate ferries, approved, December 20, 1838,

Was taken from the table.

The bill was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

Mr. Coop, from the committee on roads, to whom was referred

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hall, from the select committee to whom was referred the petition of J. E. Ely, relative to a divorce from his wife, Minerva Ely, reported

No. 118, Council file, A bill for an act to divorce J. E. Ely from Minerva Ely,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first and second time, and

On motion,

The usual rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Bailey called for the yeas and nays, when

Mr. Bainbridge moved a call of the Council, which was had, Messrs. Hastings and Johnston not answering to their names.

Mr. Coop asked leave of absence for Mr. Hastings.

Which was granted.

Mr. Springer moved that the Council adjourn until two o'clock P. M.,

Which was lost.

Mr. Greene moved that the Council adjourn until 10 o'clock to-morrow morning,

Which was lost.

On motion by Mr. Wallace,

The further call of the Council was suspended.

Mr. Bailey moved a call of the Council, which was had, Messrs. Johnston and Springer not answering to their names.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

Tuesday Morning, Feb. 8, 1842.

The Council met pursuant to adjournment.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people.

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne, from the select committee to whom was referred the petition of sundry citizens of Fort Madison relative to an act of incorporation for said town, reported

No. 119, Council file, A bill for an act to incorporate the town of Fort Madison,

Which was read a first and second time.

Mr. Johnston, from the committee of conference appointed, on the part of the Council, in relation to the disagreement of the two Houses on the 4th and 5th amendments made by the Council to

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Reported that said committee, after a conference and examination of the same, recommend that the Council recede from their amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The report of the committee was agreed to.

Mr. Johnston, from the committee on public buildings to whom was referred the reports of the Director, Superintendent and Warden of the Iowa Penitentiary, reported the following:

That said committee have examined the foregoing reports, and find them to be made in compliance with law. The report of the Director contains all the important information embraced in the statements of the other officers, and as it has been printed and laid before the Council, the committee think it unnecessary to state the details.

They herewith report

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, &c.,

And ask to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first time, and

On motion,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary to whom was referred a resolution instructing said committee to inquire into the expediency of amending, generally, the law relating to wills and testaments, &c., reported

No. 121, Council file, A bill for an act to amend an act relative to wills and testaments, &c.,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first time.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river.

No. 76, Council file, A bill concerning oaths and affidavits.

No. 74, Council file, A memorial for a donation of lands to establish a Seminary at West Point, in Lee county.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.

I herewith present for your signature, three enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Johnston, from the select committee apppointed by the Council to enquire into the expediency of procuring a survey for a steam boat canal around the lower Rapids of the Mississippi, reported

No. 122, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi,

And asked to be discharged from the further consideration of the subject.

The resolution was read a first time, and

On motion,

The committee were discharged.

No. 118, Council file, A bill for an act to divorce J. E. Ely from Minerva Ely, being in order,

The yeas and nays were called, in accordance with the motion of yesterday, by Mr. Bailey, and were as follows:

Yeas—Messrs. Bainbridge, Browne, Coop, Hall, Johnston and Leffler—6.

Nays—Messrs. Bailey, Kirkpatrick, Springer and President—4.

So the bill was passed and title agreed to.

The message from the Gavernor, together with the accompanying documents, were now read by the Secretary, and both,

On motion by Mr. Springer,

Were ordered to be laid upon the table.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined the following bills:

An act to make certificates of purchase of lands, from any Register or

Receiver of any Land Office in this Territory, evidence of title in the purchaser.

An act to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors ; and

A joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain Post Offices.

And find the same to be correctly enrolled.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

Being in order, was read a second time, and

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

Was read a second time.

Mr. Springer moved an amendment, by striking out the 3d section;

On which the yeas and nays were called for by Mr. Bailey, and were as follows:

Yeas—Messrs. Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer and President—9.

Nays—Messrs. Bailey, and Coop—2.

So the amendment was adopted.

Mr. Bailey moved to refer the bill to a select committee;

On which the yeas and nays were called for by Mr. Springer, and were as follows:

Yeas—Messrs. Bailey, Coop, Greene, and Leffler—4.

Nays—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and President—7.

So the motion was lost.

On motion.

The bill was ordered to be engrossed for a third reading.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 96, Council file, A bill to incorporate the City of Keosauqua.

No. 40, Council file. A bill to authorize the Board of Commissioners to appoint agents to dispose of real estate.

No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

No. 93, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838.

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

And find the same to be correctly engrossed.

No. 113, Council file, Joint resolution for the purchase of books for the Territorial Library,

Was read a second time;

On motion by Mr. Johnston,

The blanks were filled with the sum of three hundred dollars, and the bill ordered to be engrossed for a third reading.

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings, was read a second time.

Mr. Johnston offered the following amendment to Sec. 1: after the words "any one," insert "and stating, also, that affiant believes that such person."

Which was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 114, Council file, Joint resolution relative to the claim of James M. Morgan,

Was read a second time, and

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute,

Was read a second time, and

On motion by Mr. Hall,

Laid upon the table, subject to the order of the Council.

On motion by Mr. Johnston,

No. 119, Council file, A bill to incorporate the town of Fort Madison.

Mr. Johnston moved the following amendment:

In Sec. 4, strike out "shall each be possessed of a free-hold estate within the limits of said town."

Which was carried, and

The bill ordered to be engrossed for a third reading on to-morrow.

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees,

Was read a second time, and

On motion by Mr. Browne,

Referred to the committee on finance.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Was read a second time, and

On motion,

Ordered to a third reading to-morrow.

No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a third time and passed; title agreed to.

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838,

Was read a third time, and passed; title agreed to.

No. 86, Council file, A bill amendatory of an act to provide for the ap-

pointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings.

Was read a third time and passed; title agreed to.

No. 96, Council file, A bill to incorporate the City of Keosauqua,

Was read a third time and passed; title agreed to.

No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport,

Was read a third time and passed; title agreed to.

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Came up, as reported by the committee on roads;

On motion,

The report of the committee was concurred in, and

The bill ordered to a third reading on to-morrow.

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases,

Came up in order, as reported by the committee on the judiciary;

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bainbridge being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge offered the following amendment, viz:

Commence Sec. 16, with the words "Provided, however, that no writ enumerated in any of the foregoing sections shall be issued by the Clerk of any District Court, where there shall be, residing in the county, a Master in Chancery or District Judge."

Which was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton, came up in order.

Mr. Johnston moved an amendment, by inserting after the word "dollars," "and Hawkins Taylor twelve dollars."

Which was carried.

Mr. Springer moved to amend, by striking out the word "Secretary," and inserting the word "Treasurer."

Which was carried, and

On motion,

The bill was ordered to a third reading.

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of poll tax,

Came up in order, and

On motion by Mr. Johnston,

Was ordered to be laid upon the table, subject to the order of the Council.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a first time.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a first time.

On motion by Mr. Johnston,

The Council advised and consented to the nomination of John H. Lines as notary Public of Lee county.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

Wednesday Morning, Feb. 9, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 55, House of Representatives file, A memorial to Congress for a new land district.

No. 73, House of Representatives file, A bill creating a permanent school fund, and for other purposes.

No. 119, House of Representatives file, Joint resolution requiring the Miners' Bank of Dubuque to stop its discounts and issues whilst it continues to suspend specie payment.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker.

No. 124, House of Representatives file, A bill to locate the seat of justice in and for the county of Buchanan.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Missippi river, opposite Salem, in Muscatine county.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial road from Bloomington, Muscatine county, to Washington, Washington county; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying for the relief of Wm. Chambers; which,

On motion,

Was referred to the committee on incorporations.

Mr. Hastings presented the petition of forty citizens of the city of Bloomington, praying for an act to amend the act to incorporate the town of Bloomington; which,

On motion,

Was referred to the committee on incorporations.

Mr. Greene had leave and introduced

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta river, where the military road crosses the same;

Which was read a first and second time, and

On motion,

Ordered to be engrossed for a third reading.

Mr. Leffler, from the committee on finance, to whom was referred

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees,

Reported the same back to the Council with two amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene from the committee on engrossed bills, reported that said committee have examined

No. 119, Council file, An act to incorporate the town of Fort Madison.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming.

No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library.

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

And find the same to be correctly engrossed.

Mr. Coop, from the select committee to whom was referred

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented on the 8th inst., to his Excellency the Governor, for his approval

An act to divorce Nicey Hull from her husband C. C. Hull.

An act to provide for opening and improving the military road.

An act to divorce Sarah Wilson from her husband, John Wilson.

An act to locate and establish a Territorial road from Denson's ferry, on the Wabesipinicon river, toward Dubuque.

An act to amend an act entitled an act establishing a certain Territorial road therein named.

An act to amend an act organizing a Board of County Commissioners in each county.

An act to divorce Sarah Connelly from her husband, William Connelly; and

A joint resolution relative to admission into the Union.

Mr. Springer, from same committee, reported that the committee had examined

A memorial for the relief of Jeremiah Smith, jr.

A memorial to Congress for a donation of lands to establish a seminary of learning at West Point, in Lee county; and

An act concerning oaths and affidavits.

And find the same to be correctly enrolled.

Mr. Johnston from the select committee to whom was referred a petition relative to a ferry across Skunk river, reported

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river,

And asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

On motion by Mr. Johnston,

No. 61, Council file, A bill for an act to authorize the appointment of a county agent in and for the county of Johnson,

Was taken from the table, and having been read a third time was passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 55, House of Representatives file, Memorial for a new land district,

Was read a first and second time.

Mr. Springer moved an amendment, by striking out "Iowa City," and inserting "Washington, Washington county."

Which was lost.

Mr. Bailey moved that the word "Iowa City," be striken out, and the words "the City of Keosauqua, Van Buren county," inserted.

Which was lost.

Mr. Springer moved to insert, after the words "Iowa City," "and at Washington, Washington county."

Mr. Leffler moved to amend the amendment, by adding "and at Keokuk, Lee county,"

The question being on the amendment as amended,

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, and Wallace—5.

NAYS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—8.

So the amendment was lost.

On motion by Mr. Hastings,

The 13th rule was suspended and the memorial read a third time and passed.

On motion by Mr. Wallace,

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute, was taken from the table.

The bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 73, House of Representatives file, A bill creating a permanent school fund, and for other purposes,

Was read a first time.

No. 119, House of Representatives file, Joint resolution requiring the Miners' Bank of Dubuque to stop its discounts and issues whilst it continues to suspend specie payment.

Was read a first time, and

On motion by Mr. Bainbridge,

Laid upon the table, subject to the order of the Council.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker,

Was read a first and second time, and

On motion by Mr. Bainbridge,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

Mr. Springer moved that the bill be postponed until the first of January, 1843, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Coop, Greene, Kirkpatrick, Springer, and President—5.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Hastings, Johnston, Leffler and Wallace—8.

So the motion was lost.

Mr. Hastings moved that the thirteenth rule be suspended, the bill read a third time and passed.

On which Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Wallace and President—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Leffler and Springer—5.

The bill was ordered to a third reading to-morrow.

No. 124, House of Representatives file, A bill to locate the seat of justice in and for the county of Buchanan,

Was read a first and second time, and

On motion by Mr. Bainbridge,

Indefinitely postponed.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

Was read a third time and passed; title agreed to.

No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library,

Was read a third time and passed; title agreed to.

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings,

Was read a third time and passed; title agreed to.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa.

Was read a third time and passed; title agreed to.

Ordered, That te Secretary notify the House of Representatives accordingly.

On motion by Mr. Kirkpatrick,

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Was taken from the table, and

On motion,

Referred to the committee on roads.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 132, House of Representatives file, A memorial to Congress for the benefit of agriculture.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at Farmington, in Van Buren county.

I herewith present for your signature, twelve enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 119, Council file, An act to incorporate the town of Fort Madison,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county, was

On motion,

Referred to a select committee, composed of Messrs. Hastings, Leffler and Springer.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton, was

On motion by Mr. Leffler,

Ordered to be laid upon the table.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's Mills, in Henry county,

Was read a third time and passed; title agreed to.

No. 132, House of Representatives file, A memorial to Congress for the benefit of agriculture,

Was read a first and second time, and

On motion by Mr. Springer,

Was read a third time and passed.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Being the order of the day,

On motion by Mr. Hall,

The Council proceeded to consider the same in committee of the whole.

After some time spent in its consideration, the bill was reported back to the Council, and leave asked for the committee to sit again.

On motion,

The report of the committee was concurred in.

Mr. Hall moved that the committee sit again this afternoon.

Which was lost.

On motion,

The committee had leave to sit again to-morrow morning.

On motion by Mr. Hastings,

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of a poll tax, was taken from the table.

The question being on concurring in the report of the committee recommending its indefinite pastponement;

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer Wallace and President—9.

NAYS—Messrs. Bailey, Browne, Greene and Hastings—4.

So the bill was indefinitely postponed.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

Was read a first and second time, and

On motion by Mr. Hall,

Referred to the committee on Incorporations.

No. 52, House of Representatives file, A bill making the Clerk of the Board of County Commissioners elective by the people, being in order,

Mr. Springer moved its indefinite postponement,

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall and Springer—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Wallace and President—9.

So the motion was lost, and the bill ordered to a third reading to-morrow.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a second time.

Mr. Hastings offered the following amendment:

"This act may be amended, altered or repealed by any subsequent Legislature, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick and President—8.

NAYS—Messrs. Bainbridge, Hall, Leffler, Springer and Wallace—5.

So the amendment was adopted, and

On motion,

The bill was ordered to a third reading.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a second time, and

On motion,

The bill was ordered to a third reading.

No. 122, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi,

Was read a second time, and

On motion by Mr. Johnston,

Ordered to be engrossed for a third reading to-morrow.

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary,

Was read a second time.

Mr. Johnston moved that the Council adjourn until 2 o'clock P. M.

Which was lost.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

Thursday Morning, Feb. 10, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the petition of sundry citizens of Linn county requesting the re-location of the Territorial road running from Marion, in Linn county, to Davenport, in Scott county, which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the remonstrance of Pleasant Arthur and E. K. Yort, against the petition praying for a ferry charter across the Iowa river, which,

On motion,

Was referred to the committee on incorporations.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed with amendments—

No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts.

The House have indefinitely postponed

No. 105, Council file. A bill authorizing William Smith to construct a dam across the Des Moines river in Lee county.

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company.

The House have passed

No. 106, Council file, A bill relative to the survey of the town of Marion.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson.

In which the concurrence of the Council is requested."

Mr. Bainbridge offered the following :

Resolved, That the committee on expenditures be instructed to inquire into the expediency of incorporating the account of the Rev. Samuel Mazzuchelli into the annual appropriation bill ;

Which was adopted.

Mr. Hastings, from the select committee to whom was referred

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the select committee to whom was referred

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Reported the same back to the Council with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims to whom was referred a resolution relative to compensating Mr. O. H. W. Stull, Secretary of the Territory, for services rendered the Legislature,

Reported back the same to the Council, having filled the blank with the sum of two hundred dollars, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordence with previous notice, had leave and introduced

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Which was read a first time.

Mr. Bailey presented the claim of M. Reno, which,

On motion,

Was referred to the committee on claims.

Mr. Wallace, from the committee on claims to whom was referred sundry resolutions relative to the pay of officers, offered the following as a substitute:

Resolved, That the following shall be the per diem allowance of the officers of the Council :

Secretary, $4 50

Assistant Secretary,	$4 00
Transcribing Clerks, (each)	3 00
Sergeant at Arms,	3 00
Door Keeper,	3 00
Messenger,	3 00
Fireman,	3 00

And the committee on expenditures is hereby instructed to include the same in the appropriation bill.

Mr. Bailey moved that the resolution be laid upon the table;

Which was carried.

The resolution was ordered to be laid upon the table.

No. 73, House of Representatives file, A bill creating a permanent School fund, and for other purposes,

Was read a second time.

On motion by Mr. Wallace.

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Bailey,

The bill was laid upon the table subject to the order of the Council.

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford on Skunk river,

Was read a second time.

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Kirkpatrick being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Leffler offered the following amendment:

"Any future Legislature may alter, amend or repeal this act;"

Which was agreed to, and

The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta river where the Military road crosses the same; and

No. 124, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi;

And find the same to be correctly engrossed.

Mr. Greene, from the select committee to whom was referred

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,

Reported the same back to the Council with one amendment, also,

No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion, with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the committee of conference appointed by the Council to meet a similar committee, on the part of the House of Representatives, relative to the disagreeing vote of the two Houses on

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings,

Reported that said committee have conferred with the committee appointed by the House, and agreed to make the following report:

The committee recommend that the Council recede from all their amendments except the tenth section, and that the House concur in the amendment of the Council to strike out that section.

On motion,

The report of the committee was concurred in.

Mr. Coop, from the committee on roads to whom was referred the petition of sundry citizens of Linn county, praying the re-location of a part of the Territorial road from Iowa City to Prairie du Chien, reported

No. 126, Council file, A bill for the re-location of the Territorial road from Iowa City to Prairie du Chien,

And asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 9th inst., to his Excellency, the Governor, for his approval

An act to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

An act to make certificates of purchase of lands from any Register or Receiver of any Land Office in this Territory, evidence of title in the purchaser.

A joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain Post Offices.

An act defining the jurisdiction of the Supreme and District Courts.

An act to revixe the 12th section of an act establishing certain Territorial roads therein named.

An act to amend an act to district the Territory of Iowa into electoral districts.

An act to authorize the county Commissioners of Delaware county to pay Wm. Smith, Sen., Wm. Jonas and Thomas Denson for their services to locate the county seat of said county.

An act appointing an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

An act to authorize Wm. Smith and Vincent Smith to keep a ferry across the Mississippi river in Jackson county.

An act to authorize the establishment of certain dams across Skunk river.

An act for the encouragement of agriculture.

An act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river.

An act to relocate a part of a Territorial road from Farmington to Dubuque.

An act to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county, and

An act to incorporate the town of Davenport.

Mr. Browne, moved a call of the Council, which was had, Messrs. Johnston and Hastings not answering to their names.

The absentees appearing;

On motion,

The further call of the Council was dispensed with.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker, was read a third time.

The question being on its passage;

The yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed and title agreed to.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a third time and passed; title agreed to.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a third time and passed; title agreed to.

No. 52, House of Representatives file, A bill making the Clerk of the Board of County Commissioners elective by the people,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Springer,

Mr. Hastings moved a call of the Council when Mr. Greene appeared to be absent.

The absentee appearing,

On motion,

The further call of the Council was dispensed with.

The yeas and nays were now called on the passage of the bill,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Wallace—8.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer and President—5.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature three enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 122, Council file, A joint resolution relative to steam boat canal around lower Rapids of Mississippi,

Was read a third time.

Mr. Leffler moved its indefinite postponement;

On which the yeas and nays were called for by Mr. Springer

And were as follows:

YEAS—Mr. Leffler—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Hastings, Greene, Johnston, Kirkpatrick, Springer, Wallace and President—12.

So the motion was lost.

The question being on its passage, it was carried in the affirmative.

So the resolution was passed.

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta river where the Military road crosses the same,

Was read a third time and passed.

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

Was read a third time.

Mr. Hall moved that it be referred to a select committee;

Which was lost.

The question being on its passage, it was carried in the affirmative.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts.

Came up in order as amended by the House of Representatives.

On motion by Mr. Hastings,

The Council disagreed to the amendment made by the House to 1st sec.

On motion by Mr Springer,

The remainder of the amendments made by the House were agreed to.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved, January 13, 1841,

Wae read a first time.

Mr. Johnston moved a call of the Council, when Messrs. Bainbridge and Hall were found to be absent.

Mr. Bainbridge appearing;

On motion by Mr. Springer,

The further call of the Council was dispensed with.

The Council resumed its sitting as a committee of the whole on

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa, Mr. Hall being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with several amendments.

On motion,

All the amendments except the additional section were concurred in.

The question being on the adoption of the same:

The yeas and nays were called for by Mr. Browne,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Kirkpatrick, Leffler and Springer—8.

NAYS—Messrs. Browne, Hall, Johnston, Wallace and President—5.

So the amendment was agreed to.

Mr. Johnston offered the following amendment:

Resolved, That if a suitable building for the meeting of the convention, cannot be obtained at said place, then the Governor is hereby required to issue his proclamation 30 days before the time of said meeting, convening the delegates at the town of Fort Madison, in Lee county;

Which was not agreed to.

Mr. Browne moved that the bill, together with the amendments thereto, be referred to the committee on the judiciary;

Which was lost.

Mr. Wallace moved that the Council adjourn,

On which Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Wallace and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Springer—8. Lost.

Mr. Springer offered the following amendment:

And provided, that on or before the said first Monday of November next, the Congress of the United States shall have made an appropriation to defray the expenses of said convention.

Mr. Hastings called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick and Leffler—7.

So the amendment was not agreed to.

Mr. Greene moved an amendment to 1st section by striking out "the first Monday of November next," and inserting "on the first Monday in April next;"

On which Mr. Wallace called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Greene and Kirkpatrick—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, Wallace and President—11.

So the amendment was not adopted.

Mr. Wallace moved an amendment by striking out all after the first sec.;

Which was lost.

Mr. Greene moved that the 13th rule be suspended and the bill read a third time.

Mr. Wallace moved that the Council adjourn;

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Springer—7. Lost,

Mr. Wallace moved that the Council adjourn until ten o'clock to-morrow morning,

And called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Leffler—6. Lost.

Mr. Springer moved a call of the Council, when Mr. Johnston was found to be absent.

The absentee appearing,

On motion by Mr. Greene,

The further call of the Council was dispensed with.

Mr. Wallace moved that the Council adjourn until 9 o'clock to-morrow morning;

On which Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Hall, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Leffler—7. Lost.

Mr. Wallace moved that the Couucil adjourn until half past nine o'clock to-morrow morning.

Mr. Johnston called for the yees and nays on the same,

Which were as follows:

YEAS—Messrs. Browne, Hall, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Leffler—7. Lost.

Mr. Wallace moved that the Council adjourn until 4 o'clock P. M.

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Mr. Wallace—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—12. Lost.

Mr. Bainbridge moved that the Council adjourn until 2 o'clock, P. M.

Which was lost.

The question being on Mr. Greene's motion to suspend the 13th rule and read the bill a third time,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace, and President—6.

So the motion was lost.

On motion by Mr. Johnston,

The bill was ordered to a third reading to-morrow.

A message from his Excellency the Governor was received through Mr. (Secretary) Stull.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company.

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county. Also,

No. 129, House of Representatives file, A bill for an act for the organization of townships.

In which I am directed to ask the concurrence of the Council.

The House have indefinitely postoponed—

A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello, in Louisa county."

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Being in order, was

On motion by Mr. Coop,

Ordered to a third reading to-morrow.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees, being in order,

On motion by Mr. Bailey,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved its indefinite postponement.

On which Mr. Bailey called for the yeas and nays,

Which were as follows:

Yeas—Messrs. Bainbridge, Hastings, Kirkpatrick, and President—4.

Nays—Messrs. Bailey, Browne, Coop, Greene, Hall, Leffler, Springer, and Wallace—8. Lost.

Mr. Bainbridge moved that the bill be laid upon the table until March 1st.

On which the yeas and nays were called for by Mr. Bailey.

Mr. Browne moved a call of the Council;

Which was had, when it appeared that Mr, Johnston was absent.

The absentee appearing,

On motion by Mr. Bainbridge,

The further call of the Council was dispensed with.

The yeas and nays were now called on the motion of Mr. Bainbridge to lay upon the table until 1st March,

And were as follows:

YEAS—Messrs. Bainbridge, Hastings, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Johnston, Leffler, Springer, and Wallace—9.

So the motion was lost.

Mr. Greene moved the following amendment:

Strike out all that part of the bill which refers to the Clerk's fees of the Supreme and District Court.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bainbridge, Greene, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, and Wallace—9.

So the amendment was not agreed to.

Mr. Greene moved that the bill be laid upon the table until Friday, February 18th.

Which was lost.

On motion by Mr. Springer,

The bill was laid upon the table until to-morrow.

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, being in order,

On motion by Mr. Johnston,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Leffler being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr Springer moved the following amendment to the 1st section:

After the word "shall," in 3d line, insert "hereafter be appointed by the Governor, by and with the advice and consent of the Council, and shall hold his office for one year, and until his successor shall be duly qualified."

Mr. Johnston called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the amendment was not agreed to.

Mr. Johnston moved an amendment, by inserting in the 7th line, after the word "and," the word "that."

Which was adopted.

On motion by Mr. Bailey,

The bill was ordered to be laid upon the table, subject to the order of the Council.

Mr. Hastings gave notice that on to-morrow, or some subsequent day, he would introduce

A bill to divorce James Hill from his wife, Eliza Hill.

Mr. Wallace moved that the Council adjourn until 10 o'clock to-morrow morning.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston, Leffler, Wallace, and President—8.

NAYS—Messrs. Browne, Greene, Hastings, Kirkpatrick, and Springer—5.

So the Council adjourned until 10 o'clock to-morrow morning.

Friday Morning, Feb. 11, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the remonstrance of sundry citizens of the county of Linn against the re-location of a Territorial road from Marion to Davenport; which

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the re-location of a part of the Territorial road runnig from Moscow to Marion; which

On motion,

Was ordered to be laid upon the table.

Mr. Hastings offered the following:

Resolved, That the rules prohibiting the second and third readings of bills on the same day be, and the same are hereby suspended during the remainder of the present session.

Which was not adopted.

Mr. Hall offered the following:

Resolved, That the use of the Council Chamber be granted to J. B. Newhall on Monday evening next, for the purpose of delivering a lecture upon the history, resources and future prospects of Iowa.

Mr. Springer moved that the resolution be laid upon the table.

On which the yeas and nays were demanded by Mr. Hastings,

And were as follows:

YEAS—Messrs. Johnson, and Springer—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, Wallace, and President—11.

So the motion was lost.

The question being on the adoption of the resolution, it was carried in the affirmative.

So the resolution was adopted.

Mr. Wallace, from the select committee to whom was referred

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of libraries in the school districts in this Territory,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

On motion,

The bill was ordered to be laid upon the table.

Mr. Hastings presented the communication of Chauncey Swan to the Legislative Council;

Which, together with the accompanying documents, was

On motion by Mr. Leffler,

Referred to the committee on Territorial affairs.

Mr. Wallace, from the select committee to whom was referred

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840,

Reported the same back to the Council, having amended the same by striking out two sections, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, introduced

No. 127, Council file, A bill to divorce James Hill from his wife, Eliza Hill;

Which was read a first and second time.

Mr. Hastings moved an amendment, by striking out "James Hill," and inserting "James V. Hill, of Linn county." Which was adopted.

Mr. Hastings moved a suspension of the 13th rule, and that the bill be read a third time.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Johnston, Leffler, Wallace and President—10.

NAYS—Messrs. Bainbridge, Kirkpatrick, and Springer—3.

So the bill was read a third time; and the question being on the passage of the bill,

The yeas and nays were called for by Mr. Johnston.

Mr. Leffler moved that Mr. Greene be excused from voting;

Which was lost.

The yeas and nays were now called on the passage of the bill,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Greene, Hall, Hastings, Johnston, and Wallace—7.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer, and President—5.

So the bill was passed and title agreed to.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river opposite Salem, in Muscatine county.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line. And

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county, and find the same to be correctly enrolled.

Mr. Springer, from the same committee, reported that said committee presented, on the 10th inst., to his Excellency the Governor, for his approval

An act concerning oaths and affidavits.

A memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county. And

A memorial to Congress for the relief of Jeremiah Smith, jr.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

A bill for an act to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

In which the concurrence of the Council is requested."

On motion by Mr. Hastings,

The vote disagreeing to an amendment made in No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts, by the House of Representatives was reconsidered, and

On motion,

The amendment made by the House was agreed to.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river.

And find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of the town of Salem, reported

No. 128, Council file, A bill relative to the survey of the town of Salem;

Which was read a first and second time, and the thirteenth rule having been suspended,

On motion by Mr. Hastings,

The bill was read a third time and passed; title agreed to.

Mr. Coop, from the committee on roads, to whom was referred sundry petitions on the subject, reported

No. 129, Council file, A bill to establish a Territorial road from Bloomington to Washington, in Washington county;

Which was read a first and second time.

On motion by Mr. Greene,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion,

The bill was ordered to be engrossed for a third reading.

Mr. Coop, from the committee on roads, to whom was referred

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Reported the same back to the Council with two amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings had leave and introduced

No. 130, Council file, A bill for the relief of James Davis, former sheriff of Muscatine county,

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of the county of Linn on the subject, reported

No. 131, Council file, A bill for the re-location of the Territorial road established from Davenport to Marion;

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Mr. Parker had leave and introduced

No. 132, Council file, A bill relative to the Davenport Institute;

Which was read a first time.

Mr. Parker also had leave and introduced

No. 133, Council file, A bill relative to the officers of the Legislative Assembly;

Which was read a first and second time, and

On motion,

Ordered to be considered in committee of the whole Council to-morrow.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees,

Being the order of the day, was taken from the table.

Mr. Coop offered an amendment, by striking out of the first section the words "three dollars," and inserting "two dollars and fifty cents," and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Coop, Johnston, Kirkpatrick, Leffler, and Wallace—6.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Hastings, Springer, and President—7.

So the amendment was not adopted.

Mr. Hastings offered an amendment to the first section, by striking out $5, and inserting $8.

Mr. Greene offered an amendment to the amendment, by inserting $10.

On which Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Greene, Hastings, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Leffler, Springer, and Wallace—9.

So the amendment was not adopted.

The question being on the adoption of the original amendment, it was carried.

Mr. Bainbridge moved to amend, by striking out all in relation to fees of the Clerk of the District Court.

On which Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Greene, and President—3.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and Wallace—10.

So the motion was lost.

Mr. Hastings moved to amend 1st section by striking out $2 and inserting $5.

The question being on striking out $2;

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Wallace—5. Carried.

The question being on inserting $5, Mr. Hastings called for the yeas and nays.

Mr. Hall moved to strike out all that part of the section referring to fees of District attorneys;

On which Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick and Springer—7.

NAYS—Messrs. Bailey, Coop, Hastings, Leffler, Wallace and President—6.

So the motion was carried.

Mr. Parker moved that the bill be referred to the committee on the judiciary,

Which was lost.

Mr. Springer offered the following amendment:

Add to section 3d, after the word "repealed," "with the exception of fees of district attorneys,"

Which was adopted.

Mr. Bailey moved that the bill be now read a third time.

Mr. Kirkpatrick called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer and Wallace—9.

NAYS—Messrs. Bainbridge, Greene, Kirkpatrick, and President—4.

Mr. Parker offered the following amendment;

This act to take effect and be in force from and after the first day of August next.

On which Mr. Springer called for the yeas and nays.

The question being on sustaining the chair in the dicision relative to admitting an amendment after the bill was ordered to a third reading, but before its being read;

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—10.

NAYS—Messrs. Springer and Wallace—2.

The yeas and nays were now called on Mr. Parkers amendment,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—10.

NAYS—Messrs Coop, Springer and Wallace—3.

So the amendment was adopted.

The bill was now read a third time, and the question being on its passage,

Mr. Kirkpatrick called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, Wallace and President—10.

NAYS—Messrs, Bainbridge, Greene, and Kirkpatrick—3.

So the bill was passed and title agreed to.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No. 129, House of Representatives file, A bill for an act for the organization of townships,

Being in order, was read a first and second time.

On motion by Mr. Greene,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill referred to the committee on county and township boundaries.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House have indefinitely postponed—

No. 87, Council file, A bill to amend an act concerning writs of attachment.

No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library.

The House have passed

No. 2, Council file, A resolution requesting the survey of certain Islands in the Mississippi river; also,

No. 66, House of Representatives file, A memorial to Congress for the establishment of a National Armory at Rock Island.

No. 137, House of Representatives file, A bill to re-locate a Territorial road in Clayton county.

No. 133, House of Representatives file, A bill relative to the navigation of the Maquoqueto river.

In all of which the concurrence of the Council is requested.

I herewith present for your signature four enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Leffler had leave to withdraw the papers relative to the claim of James M. Morgan, and to introduce

No. 134, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan,

Which was read a first and second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

On motion by Mr. Springer,

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company, was taken from the table.

The bill was read a first and second time.

Mr. Hastings moved an amendment by inserting after the name "McCormick," the names of Malcolm Murray and John Powell,

Which was adopted.

On motion,

The bill was ordered to be engrossed for a third reading to-morrow.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa.

Was read a third time and passed; title agreed to.

On motion by Mr. Leffler,

The Council resolved itself into Executive session upon the message from his Excellency the Governor.

After some time spent therein,

On motion,

The Council resumed its regular session.

Mr. Johnston moved that

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, be taken from the table,

Which was lost.

Mr. Springer gave notice that he would, on to-morrow, ask leave to introduce a bill repealing the 2d and 4th sections of an act entitled an act supplementary to an act defining the duties of county surveyors, approved, December 21st, 1840.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order as amended by the select committee to whom it was referred.

Mr. Hastings moved that the Council consider the same in committee of the whole, which was done, Mr. Bailey being in the chair, and,

After some time spent in its consideration, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Hastings,

The bill was referred to a committee of the whole Council on to-morrow.

Mr. Bailey moved to take from the table the resolution relative to the pay of officers of the Council, when

Mr. Browne moved that the Council adjourn until 10 o'clock to-morrow morning,

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene and Hastings—4.

So the Council adjourned until 10 o'clock to-morrow morning.

Saturday Morning, Feb. 12, 1842.

The Council met pursuant to adjournment.

Mr. Springer in accordance with previous notice, had leave and introduced No. 134, Council file, A bill to repeal the second and fourth sections of an act entitled an act supplementary to "an act defining the duties of county surveyors, approved, December 25th, 1838," approved December 21st, 1840,

Which together with a communication on the subject, was,

On motion,

Referred to the committee on the judiciary.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 129, Council file, A bill to establish certain Territorial roads.

No. 135, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan ; and

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company No. 1, and find the same to be correctly engrossed.

Mr. Kirkpatrick, from the committee on claims to whom was referred the claim of Morgan Reno, offered the following :

Resolved, That Morgan Reno be allowed, for services rendered in assisting the Secretary in arranging the halls for the reception of the Legislature, and for fuel and candles furnished for the use of the Library, and for other extra incidental services and expenses rendered in removing the furniture from Burlington to Iowa City, the sum of seventy-six dollars and twenty cents.

And that said Morgan Reno be allowed the sum of eleven dollars and fifty cents to be by him appropriated to pay for one copy of Niles' Register from the 1st of January, 1840, to the 1st of January, 1842, and that the committee on expenditures be instructed to incorporate the above amounts into the appropriation bill,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Kirkpatrick, from the committee on expenditures, to whom was referred a resolution relative to the claim of Rev. Samuel Mazzukelli,

Reported that said committee had examined said claim, and recommend that it be not incorporated into the appropriation bill, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of J. M. Coleman for a ferry charter across the Iowa river, together with a remonstrance on the same subject,

Reported that the committee deemed it inexpedient to grant the prayer of said petitioner, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Was read a second time.

On motion by Mr. Wallace,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—I herewith present for your signature seven enrolled bills, all of which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved, January 13th 1841,

Was read a first and second time.

The 13th rule having been suspended,

On motion by Mr. Bainbridge,

The bill was read a third time and passed; title agreed to.

No. 126, Council file, A bill for the re-location of the Territorial road from Iowa City to Prairie du Chien,

Was read a second time, and

On motion by Mr. Coop,

Ordered to be engrossed for a third reading on Monday.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Was read a third time and passed; title agreed to.

On motion by Mr. Wallace,

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river, was taken from the table.

The bill was read a third time, and the question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Hastings, Kirkpatrick, Leffler, Springer and Wallace—8.

NAYS—Messrs. Bailey, Browne, Greene, Johnston and President—5.

So the bill was passed and title agreed to.

No. 134, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan,

Was read a third time and passed.

No. 109, Council file, A bill to incorporate the Iowa City fire Engine Company No. 1,

Was read a third time and passed; title agreed to.

No. 129, Council file, A bill to establish certain Territorial roads,

Being in order, was,

On motion,

Referred to a select committee composed of Messrs. Greene and Hastings.

On motion by Mr. Leffler,

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Was taken from the table.

Mr. Johnston moved to amend the title by adding to it, "and Hawkins Taylor."

Which was adopted.

The bill was read a third time by its title, as amended, and passed.

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes,

Was read a first time.

No. 133, House of Representatives file, A bill relative to the navigation of the Maquoqueta river,

Was read a first and second time, and

On motion,

Ordered to a third reading on Monday.

Mr. Bainbridge, from the committee on county and township boundaries, to whom was referred

No 129, House of Representatives file, A bill for an act for the organization of townships,

Reported the same back to the Council with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the select committee to whom was referred

No. 129, Council file, A bill to establish certain Territorial roads,

Reported the same back to the Council with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Springer,

No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution law, was taken from the table.

The bill was read a second time.

Mr. Springer offered the following amendment:

Section 2. And the said Treasurer is hereby required to keep all sums of money received as aforesaid, subject to appropriations hereafter to be made by the Legislative Assembly.

Mr. Browne offered the following substitute for the same:

Section 2d. And it shall further be the duty of the Treasurer of the Territory, when he shall have received the aforesaid sums of money, to pay over the same to the Superintendent of the Penitentiary, to be by him applied to the completion of the said building;

Which was not agreed to.

The question recurring on the amendment offered by Mr. Springer,

It was adopted.

On motion by Mr. Springer,

The 13th rule was suspended, and the bill read a third time and passed; title agreed to.

No. 137, House of Representatives file, A bill to re-locate a Territorial road in Clayton county,

Was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

Mr. Hastings had leave and introduced

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington,

Which was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

An act to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Was read a first and second time.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the same was reported back to the Council, the committee having stricken out all save the enacting clause.

The question being on concurring in the report of the committee,

Mr Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Hall, Johnston, Kirkpatrick, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, and Leffler—6.

So the amendment was concurred in, and

On motion,

The enacting clause was ordered to be laid upon the table.

On motion by Mr. Hastings,

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

The 13th rule having been suspended,

On motion by Mr. Hastings,

The bill was read a third time and passed.

Mr. Springer moved to amend the title of the bill by adding "and for other purposes;"

Which was adopted.

No. 81, Council file, A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, was,

On motion by Mr. Hastings,

Taken from the table, and

On motion by the same gentleman,

Indefinitely postponed.

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river.

Was read a third time and passed; title agreed to.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, being the order of the day,

On motion by Mr. Hastings,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bainbridge being in the chair.

After some time spent therein, the bill was reported back to the Council with sundry amendments; when

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed, with amendments,

No. 117, Council file, A bill to amend an act to prevent and punish gaming.

The House have also passed

No. 79, Council file, A bill to amend an act to regulate ferries.

No. 96, Council file, A bill to incorporate the city of Keosauqua.

No. 119, Council file, A bill to incorporate the town of Fort Madison.

No. 118, Council file, A bill to divorce John E. Ely, from Minerva Ely.

No. 131, House of Representatives file, A bill to establish an Insurance Company in the city of Dubuque.

No. 134, House of Representatives file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company in the city of Burlington.

In which the concurrence of the Council is requested.

The House have indefinitely postponed

No. 123, Council file, A joint resolution asking Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta.

The House have concurred in all the amendments made by Council to

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees."

On motion by Mr. Hastings,

The 13th rule was suspended, and

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City in Johnson country,

Was read a third time and passed; title agreed to.

The resolution relative to compensating Mr. (Secretary) Stull, for services rendered the Legislative Assembly of the Territory, being in order, was,

On motion,

Adopted.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Came up in order as amended by the select committee to whom it was referred.

On motion,

The amendments made by the committee were concurred in.

Mr. Parker moved that the first section be stricken out;

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the section was stricken out.

Mr. Parker moved an amendment by striking out the 2d section;

Which was adopted, and the section stricken out.

On motion by Mr. Parker,

The 13th rule was suspended and the bill read a third time and passed.

Mr. Greene moved the following amendment to the title of the bill; After word 'locate,' insert 'and establish a Territorial road from Bellview to Tipton;'

Which was adopted.

Mr. Kirkpatrick gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to locate a Territorial road from Point Pleasant in Scott county, to Dubuque.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

As amended by the committee on incorporations, being in order, was now taken up.

Mr. Hall moved that the Council disagree to the first amendment made by the committee,

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the amendment was not agreed to.

On motion by Mr. Hall,

The second amendment made by the committee was concurred in.

Mr Greene moved the following amendment in 6th section : In 6th line strike out the word "transaction," and insert "transportation ;"

Which was adopted.

Mr. Hall moved the following amendment to section 6 : Strike out all after the word "unemployed" in the 14th line to the word "on" in the 15th line of same section, and insert "capital, provided said corporation shall loan nothing but gold and silver, or the notes of specie paying banks, such as are at par credit in said town of Farmington and the city of St. Louis ;"

On which Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the amendment was adopted.

On motion by Mr. Hall,

The 13th ruie waa suspended, and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and Prseident—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the bill was passed and title agreed to.

On motion by Mr. Bailey,

The resolution relating to the per diem allowance of the officers of the Council, was taken from the table.

Mr. Bailey moved an amendment by striking out "50 cents" from the per diem allowance of the Secretary.

Mr. Hall moved a call of the Council, which was had, when Messrs. Springer and Wallace were found to be absent.

The absentees appearing,

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

The question now being on Mr. Bailey's amendment,

Mr. Johnston moved that the Council adjourn,

When Mr. Bainbridge called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Greene, Hall, Johnston, Leffler and Springer—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hastings, Kirkpatrick, Wallace and President—7.

So the motion was lost.

Mr. Springer moved that the resolution be indefinitely postponed;

When Mr. Wallace called for the yeas and nays,

Which were as follows;

YEAS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Coop, Hall and Wallace—4.

So the resolution was indefinitely postponed.

On motion,

The Council adjourned until 10 o'clock on Monday morning.

Monday Morning, Feb. 14, 1842.

The Council met pursuant to adjournment.

Mr. Bainbridge offered the following:

Resolved, That George W. Harris, Recording Clerk of the Council, be allowed the sum of three dollars per day for his services as such, and that the committee on expenditures be instructed to incorporate said amount in the appropriation bill of the present Session," when

Mr. Hastings called for the yeas and nays on the same,

Mr. Greene moved that the resolution be laid upon the table;

Which was lost.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Kirkpatrick and Wallace—5.

NAYS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, Leffler, Springer and President—8.

So the resolution was not adopted.

Mr. Bainbridge presented the claims of F. Reno and Walter Butler, which,

On motion,

Were referred to the committee on claims.

Mr. Hastings offered the following:

Resolved, That the rules prohibiting the second and third readings of the bills on the same day, be, and the same are hereby suspended for the remainder of the session;

On which Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick and Leffler—6.

NAYS—Messrs. Bainbridge, Browne, Coop, Hall, Springer, Wallace and President—7.

So the resolution was not adopted.

Mr. Johnston, from the committee on the judiciary to whom was referred No. 134. Council file. A bill to repeal the 2d and 3d sections of an act entitled "an act supplementary to an act defining the duties of county surveyors, approved, December 25th 1838," approved, December 21st 1840,

Reported the same back to the Council without amendment, and recommended its passage, asking to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 12th inst., to his Excellency, the Governor for his approval

An act to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

An act to re-locate a Territorial road from Farmington to the Missouri line.

An act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith; and

An act to re-locate a part of a Territorial road in Jefferson county.

Mr. Springer, from the same committee, reported that said committee had examined

No. 106, Council file, An act relative to the survey of the town of Marion.

No. 2, Council file, Resolution requesting Delegate to procure survey of certain Islands in the Mississippi river.

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13, 1840.

No, 112, Council file, An act to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

And find the same to be correctly enrolled.

Mr Hastings, from the committee on Territorial affairs, to whom was referred the communication of Chauncy Swan, relative to certain charges preferred against him as Superintendent of public buildings at Iowa City, together with the affidavits to refute said charges, reported

That they have examined the said affidavits, and from the known respectability and character of the affiants, and from their knowledge of all the doings of Mr. Swan as Superintendent of public buildings, your committee believe that Mr. Swan has triumphantly refuted every charge of malconduct, on his part, as Superintendent of public buildings at Iowa City. The first charge against Mr. Swan, is, that Mr. Swan exercised an undue influence over the freedom of elections while discharging the duties of Superintendent. How

great a crime it may be for Mr. Swan to have possessed the confidence of his fellow citizens so far as to have had the influence that pertains to an honest and upright citizen, your committee are not prepared to say; but so far as Mr. Swan is charged with having brought the influence of the office which he holds to interfere with the freedom of elections, or the right of expression of opinion, this charge is proven to be untrue by the affidavits of Dr. Henry Murray, Stephen B. Gardner, John Homer and others.

The second charge against Mr. Swan is, that he has sold his private property at extravagant prices, and giving to the purchasers profitable jobs on the public works. The cases cited to support this charge, is a sale of a lot to Heron & Hanby for the sum of $900 00, and, also, the sale of a lot to one Wm. Adams for $300 00. To prove the falsity and injustice of this charge, your committee refer to the deposition of Heron & Hanby themselves, in which they acquit Mr. Swan, beyond a doubt, of any conduct in this transaction that would authorize the least suspicion of the truth of this charge. To explain the contract with Adams, your committee refer to the affidavits of Wm. P. Doty, Matthew Browne, and the certificate of Col. Jesse Williams, Territorial Agent.

As to the third and last charge of procuring the hands at work on the Capitol to take steps to secure the continuance of Mr. Swan in office, your committee deem it unworthy of notice; but to satisfy those who magnify such a movement as an enormous malfeazance in office, your committee refer to the affidavits of Thomas Parker and A. Ward, in which it will be seen that there is no foundation for this charge, and that Mr. Swan is acquitted of the conduct imputed to him.

In justice to Mr. Swan as Superintendent of public buildings at Iowa City, your committee recommend the adoption of the following resolution:

Resolved, That, in the opinion of this Council, the several charges heretofore preferred against Chauncy Swan of malconduct in, and abuse of the office of Superintendent of public buildings at Iowa City, are untrue."

Mr. Springer moved that the report be laid upon the table;

Which was carried.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Bainbridge offered the following:

Resolved, That no note, record or minute of the report of the chairman of the committee on Territorial affair. in relation to C. Swan, be made on the Journals of the Council;

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall and Springer—4.

NAYS—Messrs. Bailey, Boop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the resolution was not adopted.

Mr. Johnston gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill for the assessment and collection of taxes on land covered by the town plat of Zerahemla, in Lee county.

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes,

Was read a second time.

The 13th rule having beeen suspended,
On motion by Mr. Bainbridge,
The bill was read a third time and lost.
No. 132, Council file, A bill relative to the Davenport Institute,
Was read a second time, and
On motion,
Ordered to be engrossed for a third reading.
No. 121, Council file, A bill for an act to amend an act relative to wills and testaments,
Was read a second time.
On motion by Mr. Johnston,
The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.
After some time spent therein, the bill was reported back to the Council without amendment.
On motion,
The report of the committee was concurred in.
On motion by Mr. Springer,
The 13th rule was suspended, the bill was read a third time and passed; title agreed to.
No. 129, Council file, A bill to establish certain Territorial roads,
Was read a third time and passed; title agreed to.
No. 133, House of Representatives file, A bill relative to the navigation of tho Maquoqueta river,
Was read a third time and passed.
Mr. Hastings moved to amend the title by inserting the word "fish" before the word "navigation;"
Which was not adopted.
The original title was agreed to.
Ordered, That the Secretary notify the House of Representatives accordingly.
No. 133, Council file, A bill relative to officers of the Legislative Assembly, being in order, was,
On motion,
Ordered to be engrossed for a third reading to-morrow.
No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,
Being in order, was,
On motion,
Ordered to a third reading.
No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion,
Came up as amended by the select committee to whom it was referred.
On motion,
The amendments of the committee were concurred in, and
On motion by Mr. Greene,
The bill was ordered to be laid upon the table.
No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved January 6th, 1840,
Came up as amended by the select committee to whom it was referred.

On motion,

The amendments made by the committee were agreed to.

On motion by Mr. Wallace,

The 13th rule was suspended, and the bill was read a third time.

On motion by Mr. Springer,

The first paragraph of the 4th section was stricken out, and

On motion,

The bill was passed and its title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Johnston,

No. 125, Council file, A bill for an act relative to divorce, alimony, and for other purposes, was taken from the table.

Mr. Johnston offered the following amendment to section 5:

"Provided, that in all cases where the parties do not mutually agree to file a bill, as aforesaid, the same proceedings shall be had in applications for divorce as are required in the act to which this is amendatory."

Which was adopted.

Mr. Springer offered an amendment by striking out the 5th section, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Kirkpatrick, Leffler, Springer and President—6.

NAYS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston and Wallace—7.

So the amendment was lost.

The question being on the bill coming up for a third reading,

Mr. Kirkpatrick called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston and Wallace—8.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer and President—5.

So the bill was ordered to be engrossed for a third reading.

No. 129, House of Representatives file, A bill for an act for the organization of townships,

Came up as amended by the committee on county and township boundaries.

On motion,

The amendments made by the committee were agreed to.

Mr. Wallace offered the following amendment:

"Sec. . That the judges and clerks of election, in said townships, shall receive no compensation from the county treasury for services as such."

Which was agreed to.

On motion by Mr. Hastings,

The 13th rule was suspended, and the bill read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordinly.

On motion by Mr. Wallace.

No. 73, House of Representatives file, A bill creating a permanent School fund, and for other purposes, was taken from the table.

Mr. Bailey moved to strike out the 6th section, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Leffler and President—6.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer and Wallace—7.

So the motion was lost.

Mr. Springer moved an amendment by striking out all after word "whatsoever," in 5th line, to word "be," in 8th line;

Which was not agreed to.

Mr. Hastings moved that the bill be indefinitely postponed,

When Mr. Kirkpatrick called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Greene, Hastings, Johnston Leffler, and President—6.

NAYS—Messrs. Bainbridge, Browne, Coop, Hall, Kirkpatrick, Springer and Wallace—7.

So the motion was lost.

Mr. Springer moved to strike out all after the enacting clause except the 6th section;

On which Mr. Wallace called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Johnston, Kirkpatrick, Springer and President—5.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Leffler, and Wallace—8.

So the motion was lost.

Mr. Bailey moved that the bill be laid upon the table until 1st of January next;

On which Mr. Bainbridge called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Springer and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Leffler, and Wallace—6.

So the motion was carried and the bill ordered to be laid upon the table.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have concurred in the amendment of the Council to

No. 95, House of Representatives file, By striking out the word "six," in the qualifications of the delegates, and inserting 'twelve' in the 5th section.

The House have passed

No. 143, House of Representatives file, A resolution for the relief of Walter Butler.

No. 32, Council file, A memorial to Congress for an appropriation to complete the National road.

No. 61, Council file, A bill for an act to authorize the appointment of a county agent for the county of Johnson.

I herewith present for your signature six enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Johnston gave notice that he would ask leave, on to-morrow, to introduce a bill abolishing the office of Superintendent of Public Instruction.

On motion by Mr. Leffler,

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour, in this Territory, was taken from the table.

Mr. Leffler moved that it be read a third time to-morrow;

When the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Leffler and President—10.

NAYS—Messrs. Kirkpatrick, Springer and Wallace—3.

So the bill was ordered to a third reading.

On motion by Mr. Johnston,

The Council resolved itself into Executive session on the message from his Excellency, the Governor.

After some time spent therein,

On motion,

The Executive session rose.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

Came up as amended by the House of Representatives.

On motion,

The Council concurred in the amendments made by the House.

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque,

Was read a first and second time, and

On motion by Mr. Hastings,

Referred to a committee of the whole Council to-morrow.

No. 134, House of Representatives file, A bill for an act to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a first time.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington,

Was read a first time.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company, in the city of Burlington,

Was read a first and second time, and

On motion by Mr. Leffler,

Referred to a committee of the whole Council to-morrow.

No. 95, House of Representatives file, A bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State constitution and Government, and to enable them to form a constitution for the State of Iowa,

Came up as amended by the House of Representatives, they having amended the amendment made by the Council.

On motion by Mr. Browne,

The Council disagreed to the amendment made by the House.

The following message from the House of Representatives was received through Mr. Faies, Chief Clerk:

"Mr. President—The House of Representatives have passed—

No. 122, Council file, A joint resolution relative to a steam boat canal around the Lower Rapids of the Mississippi.

No. 142, House of Representatives file, A bill to vacate the survey and plat of a part of the town of Black Hawk in Louisa county.

No. 144, House of Representatives file, A bill for an act to punish for tresspass on School and other lands.

In which the concurrence of the Council is requested."

No. 143, House of Representatives file, A resolution for the relief of Walter Butler,

Was read a first and second time.

Mr. Bainbridge moved an amendment by inserting between the words 'lot' and 'six,' both in the resolution and preamble, the words 'five and;'

Which was agreed to.

Mr. Hastings moved an amendment by altering the number of the lot from 88 to 80;

Which was agreed to.

Mr. Hall moved a call of the Council, which was had, when Mr. Wallace was found to be absent.

The absentee appearing,

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

Mr. Browne moved to refer the resolution to the committee on claims.

Which was lost.

On motion by Mr. Hastings,

The 13th rule was suspended and the bill read a third time.

The question being on its passage;

The yeas and nays were called for by Mr. Springer,

And were as follows:

Yeas—Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

Nays—Messrs. Bailey, Browne, Hall, Springer and Wallace—5.

So the resolution was passed.

No. 142, House of Representatives file, A bill for an act to vacate the survey and plat of the town of Black Hawk in Louisa county,

Was read a first and second time.

Mr. Springer moved an amendment by striking out the word 'Black Hawk,' wherever it occurs in the bill, and also in the title, and inserting 'Toolesborough;'

Which was adopted.

On motion by Mr. Springer,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 144, House of Representatives file, A bill for an act to punish for tresspass on School and other lands,

Was read a first time.

Mr. Hastings moved to reject the bill,

And called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Springer—5.

So the bill was rejected.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order as amended in committee of the whole.

On motion,

The first and second amendments were not concurred in.

On motion by Mr. Hastings,

The third amendment was concurred in.

Mr. Springer moved to strike out the third section;

When Mr. Browne called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—8. Lost.

Mr. Greene moved to amend 4th section, by striking out all that part which prevents its operating retrospectively.

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, and Wallace—8.

NAYS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

So the amendment was adopted.

The question being on concurring in the report of the committee, and striking out the 4th section,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Springer, Wallace and Prseident—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Leffler—8.

So the report of the committee was not concurred in.

Mr. Bainbridge moved that the bill be indefinitely postponed, when

Mr. Browne called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, Leffler and Wallace—7. Lost.

Mr. Bainbridge moved that it be laid upon the table until Monday, February 21st.

On which Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—8. Lost.

The question being on concurring in the report of committee in adding 6th section, it was,

On motion,

Agreed to.

The same being on concurring in the report of the committee in adding 5th section, it was not agreed to.

Mr. Bainbridge offered the following amendment:

Sec. . That hereafter, any debt heretofore or hereafter to be contracted shall not be coerced or collected by any law now in force in this Territory.

On which Mr. Kirkpatrick called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Springer and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and Wallace—11.

So the amendment was not agreed to.

Mr. Johnston moved that the bill be laid upon the table until the 16th;

Which was lost.

Mr. Hall moved that it be laid upon the table until to-morrow;

Which was carried.

On motion by Mr. Springer,

No. 81, House of Representatives file, A bill for an act for the relief of the poor, and

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses,

Were taken from the table, and having been read a third time, were passed; titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 7, Council file, A bill to amend an act to organize, discipline and govern the militia of this Territory, was,

On motion by Mr. Hastings,

Taken from the table.

Mr. Greene moved that it be indefinitely postponed;

On which Mr Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace, and President—6.

So the bill was indefinitely postponed.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 126, Council file, A bill for the relocation of the Territorial road from Iowa City to Prairie du Chien.

No. 132, Council file, A bill relative to the Davenport Institute, and

No. 133, Council file, A bill relative to officers of the Legislative Assembly, and find the same to be correctly engrossed.

No. 126, Council file, A bill for the re-location of a Territorial road from Iowa City to Prairie du Chien,

Was read a third time and passed: title agreed to.

The vote deferring the reading of No. 132, Council file, and No. 133, Council file, until to-morrow, was reconsidered, and

On motion by Mr. Johnston,

The 13th rule was suspended, and

No. 132, Council file, A bill relative to the Davenport Institute,

Was read a third time and passed; title agreed to. Also,

No. 133, Council file, A bill relative to officers of the Legislative Assembly, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bailey, Browne. Hall, Hastings, Johnston, Leffler, Springer, and President—8.

NAYS—Messrs. Bainbridge, Coop, Greene, Kirkpatrick, and Wallace—5.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick, from the committee on expenditures, reported a resolution in relation to the account of Morgan Reno.

Mr. Bailey offered an amendment to the resolution, by striking out $76, and inserting $60.

Which was lost.

On motion,

The resolution was adopted.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Tuesday Morning, Feb. 15, 1842.

The Council met pursuant to adjournment.

Mr. Bainbridge moved to strike from the Journal the report and resolution relative to Chauncey Swan.

Mr. Hastings moved a call of the Council;

Which was had, when Messrs. Johnston and Leffler were found to be absent.

The absentees appearing,

On motion by Mr. Browne,

The further call of the Council was dispensed with.

By leave, the motion to strike from the Journal was withdrawn.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 14th inst., to his Excellency the Governor, for his approval,

An act to amend an act concerning costs and fees, and

An act to amend an act entitled an act regulating criminal proceedings, passed Jan. 4, 1839.

Mr. Springer, from the same committee, reported that said committee had examined

An act to divorce John E. Ely from Minerva Ely, and

An act amendatory of act to regulate ferries, approved Dec. 20, 1838,

And find the same to be correctly enrolled.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

And find the same to be correctly engrossed.

Mr. Wallace from the committee on claims, to whom was referred the account of William Greene, reported

No. 136, Council file, Joint resolution for the pay of Wm. Greene,

And asked to be discharged from the further consideration of the subject.

Mr. Kirkpatrick, from the select committee to whom was referred a bill to provide for the observance of the Sabbath, made a report, of which

On motion by Mr. Hastings,

One hundred copies were ordered to be printed.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives insist on their amendment to the amendment of the Council to 5th section of

No. 95, House of Representatives file, A bill to provide for the expression of the opinion of the people upon the subject of the formation of a State Government."

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 137, Council file, A bill to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Wallace, from the committee on claims, to whom was referred the account of F. Reyno, offered the following:

Resolved, That F. Reyno be allowed the sum of two dollars for setting up stoves, and that the committee on expenditures be instructed to incorporate the same in the appropriation bill.

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the same committee, to whom was referred the account of Walter Butler, offered the following:

Resolved, That Walter Butler be allowed the sum of eighteen dollars and fifty cents for receiving furniture of the Territory, furnishing and cutting wood, putting up stoves, furnishing axes, as per account rendered, and the committee on expenditures is authorized to include the same in the appropriation bill.

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction;

Which was read a first time.

The question being on the bill being read a second time,

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Springer, and Wallace—7.

NAYS—Messrs. Bailey, Greene, Hastings, Leffler, and President—5.

So the bill was read a second time.

Mr. Johnston moved a call of the Council;

Which was had, when Mr. Kirkpatrick was found to be absent.

The absentee appearing,

On motion by Mr. Johnston,

The further call of the Council was dispensed with.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the same was reported back to the Council with several amendments.

The question being on concurring in the report of the committee,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and Wallace—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Leffler, and President-6

So the report of the committee was concurred in.

On motion,

The bill was ordered to be engrossed for a third reading to-morrow.

No 95, House of Representatives filé, A bill to provide for the expression of the opinion of the people upon the subject of the formation of a State Government,

Came up in order, the House insisting on their amendment to the amendment of the Council to 5th section.

Mr. Bainbridge moved that the Council recede from its amendment,

When Mr. Wallace called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Greene, Hall, Hastings, Johnston, Springer, and Prseident—8.

NAYS—Messrs. Browne, Coop, Kirkpatrick Leffler and Wallace—5.

So the Council receded from its amendment.

On motion by Mr. Hastings,

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, was taken from the table.

Mr. Johnston offerred the following amendment:

That nothing herein provided shall be so construed as in any manner whatever to interfere with, or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Mr. Hastings offered the following amendment to the amendment:

Nothing in this act shall be so construed as to conflict with the provisions of the 2d article of the ordinance of 1787.

The question being on the adoption of the same,

Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Johnston, Springer, Wallace, and President—6.

So the amendment to the amendment was adopted.

Mr. Greene offered an amendment, by striking out all after the word "affected," and inserting "of the ordinance of 1787."

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, Wallace, and President—8.

So the amendment was lost.

The question being on the original amendment, as amended by Mr. Hastings,

Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Wallace—6.

So the amendment was adopted.

Mr. Wallace moved to amend, by striking out all except the first and second sections.

Mr. Johnston moved to amend the amendment, by striking out all except the 1st, 2d, 4th and 5th sections;

On which Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Wallace—6.

The question recurring on the amendment of Mr. Wallace, as amended,

Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Leffler—6.

So the amendment was adopted, and the 3d section stricken out.

On motion by Mr. Johnston,

The 13th rule was suspended, and the bill read a third time and passed.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined

No. 61, Council file, An act to authorize the appointment of a county agent in and for the county of Johnson.

No. 117, Council file, An act to amend an act to prevent and punish gaming.

No 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c., and

No. 122, Council file, A joint resolution relative to steamboat canal around Lower Rapids of Mississippi,

And find the same to be correctly enrolled.

On motion by Mr. Springer,

The vote with regard to the passage of

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for ohter purposes,

Was re considered, and

On motion,

The memorial was passed.

On motion by Mr. Coop,

No 22, Council file, A bill to amend the militia law,

Was taken from the table.

The question being on concurring in the amendments made in committee of the whole,

On motion,

The amendments were concurred in, and

On motion by Mr. Coop,

The bill was read a third time and passed; title agreed to.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Being in order, was read a third time.

The question being on its passage, Mr. Kirkpatrick called for the yeas and nays.

Mr. Wallace moved a call of the Council;

Which was had, when Mr. Johnston was found to be absent.

The absentee appearing,

On motion,

The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston, and Wallace—7.

NAYS—Messrs. Bailey, Bainbridge, Kirkpatrick, Leffler, Springer, and President—6.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Browne introduced the claim of B. W. Gillock, for services rendered the Legislative Assembly, which

On motion,

Was referred to the committee on claims.

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove, being in order, was

On motion by Mr. Greene,

Laid upon the table, subject to the order of the Council.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory, being in order,

Was read a third time and passed; title agreed to.

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque, being the order of the day,

On motion by Mr. Bainbridge,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on incorporations, with instructions to report to-morrow.

Which was lost.

M. Hastings moved an amendment by striking out all after the word "expedient," in line three of section 5, to word "and" in fifth line of same sec.,

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer and Wallace—6.

So the amendment was adopted.

Mr. Greene offered the following amendment:

Sec. . That the stockholders of said company shall be personally liable for all contracts and obligations made and entered into by said institution.

Mr. Bainbridge moved that the bill be referred to a select committee:

Which was carried, and

Messrs. Bainbridge, Wallace and Greene were appointed said committee.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, five enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Wallace, from the committee on claims, offered the following:

Resolved, That B. W. Gillick be allowed the sum of twenty-six dollars for thirteen days services as guard to Dixon, and the committee on expenditures are authorized to incorporate the same in the appropriation bill; which,

On motion by Mr. Johnston,

Was laid upon the table.

Mr. Wallace, from the same committee, to whom was referred

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

Reported the same with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged, and

On motion by Mr. Bailey,

The resolution was laid upon the table.

Mr. Johnston, from the committee on the judiciary to whom was referred

No. 107, Council file, A bill to authorize the payment of interest upon scrip certificates, and other evidence of indebtedness, issued in behalf of the public buildings,

Reported the same back to the Council without amendment, and ask to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer moved to lay the bill upon the table until March 1st.;

When Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Kirkpatrick, Springer and Wallace—6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Leffler and President—6.

So the motion was lost.

Mr. Springer moved a call of the Council, which was had, when Mr. Hall was found to be absent.

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

Mr. Springer moved the indefinite postponement of the bill;

When Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston Kirkpatrick, Springer and Wallace—8.

NAYS—Messrs. Browne, Greene, Hastings, Leffler, and President—5.

So the bill was indefinitely postponed.

Mr. Springer moved that the vote to indefinitely postpone the bill, be reconsidered.

Which was lost.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company in the city of Burlington,

Being in order, was,

On motion by Mr. Leffler,

Laid upon the table.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 141, Council file, A bill to provide for the compensation of the members, officers and printers of the Legislative Assembly, and for other purposes.

In which the concurrence of the Council is requested."

No. 134, House of Representatives file, A bill for an act to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a second time.

Mr. Johnston offered the following amendment:

That the said agent, before he enters upon the duties of his office, shall take an oath faithfully and impartially to perform the same; and shall give a bond in such penal sum as the Board of county Commissioners may direct, to be approved by them, and which shall be filed with the Clerk of said Board;

Which was adopted.

On motion by Mr. Hastings,

The 13th rule was suspended, the bill read a third time and passed; title agreed to.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington,

Being in order, was read a second time, and

On motion by Mr. Springer,

Laid upon the table until to-morrow.

Mr. Bainbridge, from the select committee to whom was referred

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque,

Reported the same back to the Council with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, moved to take from the table

No. 28, Council file, A bill for an act to provide for the formation of a constitution and State Government of the Territory of Iowa;

Which motion was lost.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, &c.

I herewith present for your signature four enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

On motion by Mr. Johnston,

No. 141, House of Representatives file, A bill to provide for the compensation of the members, officers and printers of the Legislative Assembly, and for other purposes,

Being in order, was read a first and second time.

Mr. Hastings moved that the bill be referred to a committee of the whole Council to-morrow morning,

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the motion was carried.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

Wednesday Morning, Feb. 16, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 114, House of Representatives file, A memorial to Congress relative to the contiguous section to Iowa City.

No. 139, House of Representatives file, A bill to re-locate that portion of the Territorial road leading from Fairfield in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson in Henry county.

No. 145, House of Representatives file, A bill to divorce Clarissa Welch from her husband, Samuel C. Welch.

No. 146, House of Representatives file, A bill to re-locate a part of a Territorial road in Washington county.

No. 147, House of Representatives file, A bill for an act to change the name of certain towns and rivers.

No. 148, House of Representatives file, A bill to change the name of the town of Vandenburgh to De Witt.

No. 149, House of Representatives file, A bill to divorce Rebecca Fisher from her husband John Fisher.

The House have passed, with amendments,

No. 115, Council file, A bill supplementary to an act regulating criminal proceedings.

The House have disagreed to all the amendments made by Council to No.'s 71 and 85, House of Representatives file."

Mr. Springer had leave and introduced

No. 139, Council file, A bill to re-locate a part of a Territorial road in Louisa county,

Which was read a first and second time.

On motion,

The 13th rule was suspended, the bill was read a third time and passed; title agreed to.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 115, House of Representatives file, A bill for an act to authorize Jas. Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The 13th rule having been suspended,

On motion by Mr. Kirkpatrick,

The bill was read a third third time.

The question being on its passage,

The yeas and nays were called for by Mr. Coop,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick, Springer and Wallace—9.

NAYS—Messrs. Coop, Hastings, Leffler and President—4.

So the bill was passed and title agreed to.

No. 115, Council file, A bill supplemental to an act regulating criminal proceedings,

Came up as amended by the House of Representatives.

On motion,

The amendments made by the House were concurred in.

Mr. Wallace had leave and introduced

No. 140, Council file, Joint resolution in relation to the claims of James G. Edwards, and others,

Which was read a first and second time.

Mr. Bainbridge moved its indefinite postponement,

When Mr. Wallace called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Springer and Wallace—6.

So the resolution was indefinitely postponed.

Mr. Johnston had leave and introduced

No. 141, Council file, A bill for an act to amend an act entitled an act to provide for the erection of a penitentiary, &c, approved January 15th, 1841,

Which was read a first and second time, and

On motion,

The 13th rule was suspended, and the bill read a third time.

Mr. Hastings moved that the bill be referred to a select committee;

Which was lost.

The question being on its passage,

The yeas and nays were demanded by Mr. Parker, and were as follows:

YEAS—Messrs. Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bailey, Bainbridge, Hall and Wallace—4.

So the bill was passed and its title agreed to.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up, the House disagreeing to all the amendments made by the Council to the same.

Mr. Bainbridge moved, that the Council insist on its amendments,

When Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, Wallace, and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, and Kirkpatrick—5.

So the motion was carried.

No. 131, House of Representatives file, A bill for an act to incorporate an Insurance Company at the city of Dubuque,

Came up as amended by the select committee to whom it was referred.

The question was taken on Mr. Greene's amendment, and the amendment adopted.

On motion,

The amendments made by the committee were concurred in.

Mr. Bailey, offered the following as a substitute for the last section: "That any subsequent Legislature may amend or repeal this act."

The question being on its adoption,

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

So the amendment was adopted.

On motion by Mr. Bainbridge,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, and Kirkpatrick—6.

So the bill was passed.

Mr. Hastings moved to amend the title by adding "with the privilege of loaning paper money;"

Which was lost, and

On motion,

The original title was agreed to.

On motion by Mr. Leffler,

No. 138, House of Representatives file, A bill to establish the Des Moines Insurance Company in the city of Burlington,

Was taken from the table, and

On motion by the same gentleman,

Laid upon the table till December 6, 1842.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signiture five enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 15th inst., to his Excellency the Governor, for his approval,

An act to authorize David G. Bates and John Forbes to establish and keep a ferry across the Mississippi river, in Jackson county.

A resolution requesting our Delegate to procure a survey of certain Islands in the Mississippi river.

An act relative to the survey of the town of Marion, and

An act to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th, 1840.

No. 141, House of Representatives file, An act to provide for the compensation of members, officers and printers of the Legislative Assemby, and for other purposes,

Being the order of the day,

On motion,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Greene being in the chair.

After some time spent therein,

On motion by Mr. Johnston,

The committee rose, reported progress, and asked leave to sit again.

On motion,

The report of the committee was concurred in, and the committee had leave to sit again at 2 o'clock P. M.

On motion,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 92, House of Representatives file, A bill amendatory of an act to organize, discipline and govern the militia, &c.

No. 127, Council file, A bill to divorce James V. Hill from his wife, Eliza Hill.

The House have indefinitely postponed

No 105, Council file, A bill for an act to provide for the appointment of Masters in Chancery, &c.

No. 116, Council file, A bill amending an act regulating practice in the District Courts."

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 16th inst., to his Excellency, the Governor, for his approval,

An act to authorize John R. Sloan to keep a ferry across the Mississippi river.

An act to authorize Samuel Wells to build a dam across Skunk river.

An act to amend an act establishing the Court of Probate.

An act making the Clerk of the Board of county Commissioners elective by the people.

An act to provide for levying a tax on real and personal property for road purposes.

An act to divorce John E. Ely from Minerva Ely.

An act to divorce Seth Baker from Sally Baker.

An act relative to the navigation of the Maquoqueta river.

An act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills, in Henry county.

An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved Jan. 13, 1841.

An act to authorize Joseph Stevens to build a dam across Skunk river.

An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State constitution and government, and to enable them to form a constitution for the State of Iowa.

An act to vacatet he survey and plat of a part of the town of Toolesborough, in Louisa county.

An act for the relief of the poor.

An act to locate a road from Fairfield to the Forks of Skunk river.

An act to authorize the appointment of a county Agent, in and for the county of Johnson.

An act to amend an act entitled an act to prevent and punish gaming.

An act to re-locate a Territorial road in Clayton county.

An act amendatory of an act to regulate ferries, approved Dec. 20, 1838.

A joint resolution relative to steam boat canal around Lower Rapids of the Mississippi.

A memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of this Territory, via, Iowa City.

Mr. Johnston had leave and introduced

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session,

Which was read a first and second time.

The Council resumed its sitting as a committee of the whole on

No. 141, House of Representative file, An act to provide for the compensation of members, officers and printers of the Legislative Assembly, and for other purposes, Mr. Greene being in the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments.

The question being on concurring in the 1st amendment made by the committee in section 5,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, Leffler and Wallace—8.

NAYS—Messrs. Browne, Hastings, Johnston, Springer and President—5.

So the amendment was concurred in.

Mr. Springer offered the following amendment to 16th section:

"Provided that the Secretary of the Territory, before paying the said sum, shall be satisfied that the printing, aforesaid, is worth the said sum at a rate not exceeding fifteen per centum above Congress prices for similar work."

On which Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

So the amendment was not agreed to.

Mr. Bainbridge offered the following amendment:

"Provided that the Secretary of the Territory, before paying the said sum, shall be satisfied that the printing, aforesaid, is worth the said sum at a rate not exceeding twenty per centum above Congress price for similar work."

And called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not adopted.

Mr. Springer offered the following amendment:

"Provided that N. Jackson shall satisfy the Secretary of the Territory before paying the said sum, that the printing, aforesaid, is worth the said sum at a rate not exceeding fifty per centum above Congress prices for similar work."

On which Mr. Bainbridge called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not adopted.

Mr. Springer offered the followine amendment:

"Provided that James Clarke shall satisfy the Secretary of the Territory, before paying the said sum, that the printing aforesaid, is worth the said sum at a rate not exceeding fifty per centum above Congress prices for similar work."

On which Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not agreed to.

The question being on concurring in the amendments made by the committee;

Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS---Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President---7.

NAYS---Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace---6.

So the amendment of the committee was agreed to.

The question being on concurring in the amendment made by the committee in 17th section;

Mr. Bailey moved to strike out $500, and insert $350.

Which was agreed to.

The question being on concurring in the amendment made by committee in 19th section,

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the amendment made by committee was concurred in.

The question being on concurring in the amendment made in section 20,

Mr. Bailey moved to disagree therewith,

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Browne, Coop, Springer, and Wallace—5.

So the amendment was agreed to.

On motion,

The amendments made in section 21 were agreed to.

The question being on concurring in the amendments made by committee in section 22,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Browne, Coop, Springer, and Wallace—5.

So the amendment was concurred in.

On motion,

The amendments made by committee in sec. 25 were agreed to.

The question being on concurring in amendment made by committee in section 33,

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Coop, Hastings, Johnston, and Kirkpatrick—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Leffler, Springer, Wallace, and President—9.

So the amendment was not adopted.

On motion,

The amendment made by committee in sec. 34 was agreed to.

The question being on concurring in the amendments made by committee in section 35,

Mr. Wallace called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Coop, Greene, Hastings, Kirkpatrick, Leffler, and Wallace—6.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Johnston, Springer, and President—7.

So the amendments were not concurred in.

On motion,

The amendments made in sec. 36 were concurred in.

The question being on concurring in the amendment made by committee in sec. 37,

Mr. Coop called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Browne, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace, and President—9.

NAYS—Messrs. Bailey, Bainbridge, Coop, and Hastings—4.

So the amendment was adopted.

On motion,

The amendments made in sections 39, 40, 41, 42, and 43. were concurred in.

Mr. Leffler offered the following amendment, being an addition to sec. 5: "Provided that Daniel Chance shall receive the sum of ninety dollars, out of the allowance hereby made to fireman of the Council, and Samuel Wilson the sum of one hundred and thirty-five dollars, the ballance of said allowance;"

On which Mr. Wallace called for the yeas and nays,

Which were as follows,

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

NAYS—Messrs. Bainbridge Browne, Hall, *K*irkpatrick, Springer and Wallace—6.

So the amendment was adopted.

Mr. Greene offered the following:

Sec. 44. To Edward J. Darken, for preparing abstracts of Council Journals during the present session, $75;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bainbridge, Coop, Greene, Hall, Johnston, *K*irkpatrick, and Leffler—7.

NAYS—Messrs. Bailey, Browne, Hastings, Springer, Wallace and President—6.

So the amendment was adopted.

Mr. Bainbridge offered the following:

Sec. 45. To Rev. Samuel Mazzuchelli, for rent of room to store the furniture of the Legislature and Council, for 12 months, as per contract with the former secretary, sixty dollars;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Leffler, Springer, and President—10.

NAYS—Messrs. Browne, *K*irkpatrick, and Wallace—3.

So the amendment was adopted.

Mr. *K*irkpatrick offered the following:

Sec. . To N. Jackson, for extra papers furnished for the Council, the sum of one hundred dollars;

And called for the yeas and nays on the same,

Which were as follows:

YEAS---Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, and Kirkpatrick---6.

NAYS---Messrs. Bailey, Browne, Hall, Leffler, Springer, Wallace, and President---7.

So the amendment was not adopted.

Mr. Hastings offered the following:

Sec. . To Theodore S. Parvin, for services as private secretary to Gov. Lucas, in 1838 -39, and for superintending the library, $400 00;

And called for the yeas and nays on the same,

Which were as follows:

YEAS --Messrs. Greene, Hastings, and President---3.

NAYS---Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer, and Wallace---10.

So the amendment was not agreed to.

Mr. Hastings offered the following:

Sec. . To Wm. Abby, for money paid for cutting wood, 25 00;

Which was not adopted.

On motion by Mr. Johnston,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT---The House of Representatives insist upon their disagreement to the amendment of Council to

No. 71, House of Representatives file, A bill to amend an act subjecting real and personal estate to execution,

And request a conference in relation thereto, and have appointed Messrs. Baker, Biggs, and Porter on the part of the House.

The House have passed

No. 128, Council file, A bill relative to the survey of the town of Salem, in Mucatine county.

No. 130, Council file, A bill for the relief of James Davis, former Sheriff of Muscatine county.

Also, with amendments,

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties,

In which the concurrence of the Council is requested.

I herewith present for your signature three enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

Mr. PRESIDENT---The House of Representatives have passed

No. 126, Council file, A bill for the re-location of a part of the Territorial road from Iowa City to Prairie du Chien.

No. 132, Council file, A bill relative to the Davenport Institute, with amendments.

No. 133, Council file, A bill relative the officers of the Legislative Assembly.

No. 134, Council file, A memorial to Congress for the relief of James M. Morgan.

No. 137, Council file, A bill for an act to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

No. 139, A bill to re-locate a part of a Territorial road in Louisa county."

No. 92, House of Representatives file, A bill amendatory of an act entitled, an act to organize, discipline and govern the militia of this Territory, approved July 31, 1840; and further amendatory of an act entitled an act to organize, discipline and govern the militia of this Territory, approved Jan. 4, 1839,

Was read a first and second time.

Mr. Coop moved that the bill be laid upon the table until 12th Dec. 1842.

When Mr. Wallace called for the yeas and nays,

Which were as follows,

YEAS—Messrs. Browne, Coop, Greene, and Leffler—4.

NAYS—Messrs. Bainbridge, Hall, Hastings, Johnston, Springer, Wallace, and President—6.

So the motion was lost.

Mr. Browne moved that the bill be referred to the committee on military affairs;

When Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, and Leffler—6.

NAYS—Messrs. Bainbridge, Hall, Johnston, Springer, Wallace, and President—6.

So the motion was lost.

On motion by Mr. Wallace,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Hall, Hastings, Johnston, Springer, Wallace, and President—7.

NAYS—Messrs. Bailey, Browne, Coop, Greene, and Leffler—5.

So the bill was passed and its title agreed to.

No. 114, House of Representatives file, Memorial to Congress relative to the contiguous sections of land to Iowa City,

Was read a first and second time.

Mr. Hastings moved to lay the bill upon the table;

Which was lost.

On motion by Mr. Wallace,

The 13th rule was suspended: the memorial read a third time and passed.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President---The House of Representatives have refused to entertain No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington,

It having no enacting clause."

On motion by Mr. Johnston,

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hall being in the chair.

After some time spent therein, the bill was reported back to the Council with two amendments.

Mr. Wallace moved an amendment by striking out the names of Van Antwerp & Hughes, and inserting that of John H. McKenny;

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

Yeas—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

Nays—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

So the motion was lost.

Mr Bainbridge moved to strike out Van Antwerp & Hughes, and insert N. Jackson;

When Mr. Hastings called for the yeas and nays,

Which were as follows:

Yeas—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

Nays—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the motion was lost.

Mr. Wallace moved to strike out Van Antwerp & Hughes and insert William Crum;

When Mr. Hastings called for the yeas and nays,

Which were as follows:

Yeas---Messrs. Bainbridge, Browne, Hall, Springer and Wallace---5.

Nays---Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President---8.

So the motion was lost.

The question recurring on agreeing in the amendment made by the committee of the whole,

Mr. Johnston called for the yeas and nays,

Which were as follows:

Yeas—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

Nays—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the 1st amendment was adopted.

The question being on concurring in the 2d amendment made by the committee;

Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—11.

NAYS—Messrs. Browne, and President—2.

So the 2d amendment was adopted.

Mr. Springer moved an amendment, by striking out the sum of $1,200 00 from the 2d section, and inserting 15 per cent. over Congress prices.

The question being on striking out,

Mr. Springer called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—7.

NAYS—Messrs. Coop, Greene, Hastings, Johnston, Leffler, and President—6.

So $1,200 00 was stricken out.

Mr Johnston moved to insert $1,100 00,

And called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the sum of $1,100 00 was inserted.

On motion by Mr. Johnston,

The 13th rule was suspended, and the joint resolution read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

So the joint resolution was passed and its title agreed to.

No. 139, House of Representatives file, A bill to re-locate that portion of the Territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county,

Was read a first and second time.

On motion by Mr. Wallace,

The 13th rule was suspended, the bill read a third time and passed.

Mr. Hastings moved to amend the title, by striking out "Checauque," and inserting "Skunk;" which was lost.

On motion,

The original title was agreed to.

No. 146, House of Representatives file, A bill for an act to re-locate a part of a Territorial road in Washington county,

Was read a first and second time;

On motion by Mr. Springer,

The 13th rule was suspended: the bill read a third time and passed; title agreed to.

No. 147, House of Representatives file, A bill for an act to change the names of certain towns and rivers,

Was read a first and second time.

Mr. Bailey moved to amend, by striking out all after the 1st section;

Which was carried.

On motion by Mr. Coop,

The 13th rule was suspended, the bill read a third time and passed.

On motion by Mr. Hall,

The title was altered, so as to read "A bill for an act supplemental to an act to change the name of Rising Sun, approved Jan. 15, 1841."

No. 141, House of Representatives file, A bill for an act to divorce Rebecca Fisher from her husband, John Fisher,

Was read a first and second time.

On motion by Mr. Coop,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

Mr. Springer called the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop. Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Greene, Springer, and President—3.

So the bill was passed and title agreed to.

No. 145, House of Representatives file, A bill for an act to divorce Clarissa Whelch from her husband, Samuel C. Welch,

Was read a first and second time.

On motion,

The 13th rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Greene, Springer, and President—3.

So the bill was passed and title agreed to.

No. 148, House of Representatives file, A bill for an act to change the name of the town of Vandenburgh, in Clinton county, to that of De Witt,

Was read a first and second time.

On motion by Mr. Johnston,

The 13th rule was suspendended, the bill read a third time and passed; title agreed to.

Mr. Greene, from the committee on engrossed bills, had leave and reported that said committee had examined

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction,

And find the same to be correctly engrossed.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order, the House insisting on disagreeng to the amendments made by the Council.

On motion.

The bill was laid upon the table subject to the order of the Council.

Mr. Hastings had leave and introduced

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington;

Which was read a first and second time.

On motion by Mr. Wallace,

The 13th rule was suspended, the bill read a third time and passed; title agreed to.

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction, being in order,

Mr. Coop moved that it be laid upon the table,

On which Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Coop, Greene, Hastings, Leffler, and President—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, and Wallace—6.

So the motion was lost.

Mr. Johnston moved a call of the Council,

Which was had, when Messrs. Bailey and Kirkpatrick were found to be absent.

On motion,

The Council adjourned until 9 o'clock to-morrow morning.

Thursday Morning, Feb. 17, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 22, Council file, A bill to amend the militia law.

No. 27, Council file, A memorial to Congress for the establishment of a land office at Marion, in Linn county.

No. 36, Council file, A memorial for the establishment of a land office at Fairfield, in Jefferson county.

No. 50, Council file, A bill supplementary to an act regulating marriages.

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington.

Also, with amendments,

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session.

In which the concurrence of the Council is requested.

I herewith present for your signiture four enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Hastings offered the following:

Resolved, That the secretary of the Territory furnish copies of the act to change the time of holding the District Courts in the Second and Third Judicial Districts, for publication in the Iowa City Capitol Reporter, the Iowa City Standard, and the Miners' Express. of Dubuque.

Which was adopted.

Mr. Coop offered the following, and called for the yeas and nays on the same:

Resolved, That a vote of thanks be, and the same is hereby tendered to the Hon. J. W. Parker, President, for the able and impartial manner in which he has discharged the duties of the Chair, during the present session.

The yeas and nays were called, and were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Kirkpatrick, and Leffler—8.

Mr. Springer having been excused from voting.

Mr. Coop, from the committee on roads to whom was referred the petition of sundry citizens of Muscatine county, praying a relocation of a part of the Territorial road from Moscow to Marion, reported that said committee have had the same under consideration, and begged to introduce

No. 148, Council file, A bill to review a part of the Territorial road from Moscow, via Rochester, to Marion, in Linn county;

Which was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed, with amendments—

No. 3, Council file, A bill supplementary to an act providing for the appointment of a Superintendant of Public Buildings at Iowa City.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes.

I herewith present for your signature ten enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

An act to incorporate the town of Fort Madison,

And found the same to be correctly enrolled.

On motion by Mr. Hastings,

No. 49, Council file, A bill to provide for the keeping of stallions and jacks,

Was taken from the table, read a third time and passed; title agreed to.

On motion by the same,

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

As amended by the committee on claims, was taken from the table.

On motion,

The report of the committee was concurred in.

The bill was read a third time and passed; title agreed to.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa city to Burlington, was taken from the table

On motion by Mr. Hastings,

And having been read a second time,

On motion by Mr. Springer,

The 13th rule was suspended, the bill was read a third time and passed; title agreed to.

On motion by Mr. Bainbridge,

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases, was taken from the table.

The bill was read a third time.

The question being on its passage.

The yeas and nays were called for by Mr. Parker,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick and Leffler—8.

NAYS—Messrs. Browne, Johnston, Springer, Wallace and President—5.

So the bill was passed and title agreed to.

Mr. Parker had leave and introduced

No. 149, Council file, A bill supplemental to an act relative to incorporated religious societies;

Which was read a first and second time.

On motion by Mr. Johnston,

The 13th rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS---Messrs. Bailey, Browne, Greene, Hall, Hastings, Johnston, Leffler, Wallace and President---9.

NAYS---Messrs. Bainbridge, Coop, Kirkpatrick, and Springer---4.

So the bill was passed and title agreed to.

No. 138, Council file, A bill for an act to repeal an act to create the office of superintendent of public instruction,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS --Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and Wallace---7.

NAYS---Messrs. Bailey, Coop, Greene, Hastings, Leffler and President---6.

So the bill was passed and title agreed to.

No. 3, Council file, An act entitled an act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes,

Came up as amended by the House of Representatives.

On motion,

The amendments made by the House were agreed to.

No. 125, Council file, A bill for an act to amend an act relative to divor alimony, and for other purposes,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 132, Council file, A bill relative to the Davenport Institute,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 86, Council file, A bill for an act to amend an act to provide for appointing Justices of the Peace, to prescribe their duties, and to regul their proceedings,

Came up as amended by the House of Representatives.

On motion by Mr. Johnston,

The committee disagreed to all the amendments made by the House.

On motion by Mr. Springer,

A committee of conference was appointed to meet a similar committee the part of the House, relative to the disagreeing vote of the two Houses.

Messrs. Johnston, Hall and Hastings were appointed said committee.

Mr. Hastings moved that a committee of conference be appointed to m a similar committee on the part of the House relative to the disagreeing v of the two Houses on

No. 71, House of Representatives file, A bill for an act to amend an subjecting real and personal estate to execution, and that the gentleman fr Des Moines be chairman of said committee.

Mr. Leffler moved an amendment by substituting the name of the gent man from Lee for that of the gentleman from Des Moines;

Which was carried.

The question being on appointing said committee,

It was lost.

No. 128, Council file, A bill relative to the survey of the town of Sale

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 142, Council file, Joint resolution relative to the printing of the la of the present session,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufac ring Company,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

Mr. Hall had leave and introduced

No. 150, Council file, Joint resolution providing for the meeting of Legislative Assembly at the ensuing session;

Which was read a first time.

The question being on a second reading,

Mr. Hastings demanded the yeas and nays,

Which were as follows:

YEAS---Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Leffler, Springer and Wallace---8.

NAYS---Messrs. Greene, Hastings, Johnston, Kirkpatrick and President---5.

So the joint resolution was read a second time.

Mr. Bainbridge moved an amendment by striking out "Keosauqua," and inserting "Dubuque;"

Which was lost.

Mr. Hastings moved to strike out "Keosauqua," and insert "Belleview;"

Which was lost.

On motion by Mr. Johnston,

The 13th rule was suspended and the joint resolution read a third time.

The question being on its passage,

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Hall and Wallace—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—11.

So the joint resolution was lost.

On motion,

The Council adjourned until two o'clock P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 82, Council file, An act to repeal an act to regulate the mode of petitoning the Legislative Assembly, &c.

No. 138, Council file, An act to repeal an act to create the office of superintendent of public instruction.

No. 149, Council file, A bill supplemental to an act relative to incorporated religious societies.

Also, with amendments

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

In which the concurrence of the Council is requested.

I herewith present for your signature six enrolled bills which have been signed by the Speaker of the House of Representatives."

Mr. Bailey had leave and introduced

No. 151, Council file, A joint resolution relative to the compensation of Gilbert and Ruggles, &c.,

Which was read a first and second times, and

On motion,

The 13th rule was suspended, and said resolution was read a third time,

And the question being on its passage,

Mr. Bainbridge called the yeas and nays,

Which were as follows:

YEAS---Messrs. Bailey, Hastings, Kirkpatrick, Leffler, Springer, Wallace and President---7.

NAYS---Messrs. Bainbridge and Browne---2.

So said resolution was passed and title agreed to.

Ordered that the Secretary inform the House of Representatives accordingly.

Mr. Springer, from the joint committee on enrollments, presented, on the 17th inst., to the Governor for his approval,

An act to incorporate the city of Keosauqua.

An act to divorce James V. Hill, of Linn county, from his wife Eliza Hill.

An act supplemental to an act regulating criminal proceedings.

An act authoring the reduction of the minimum price of the unsold lots in Iowa City, and for their sale for work and materials, and for other purposes.

An act to authorize the establishment of poor houses.

A resolution for the relief of John Lorton.

An act to locate and establish a Territorial road from Charles Neally's, in Muscatine county, to Iowa City, in Johnson county.

Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes.

An act to authorize James Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county.

An act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law.

An act to authorize Boards of Commissioners to appoint agents to dispose of real estate.

A resolution for the relief of Walter Butler.

An act for the organization of townships.

On motion,

The Council resolved itself into Executive session.

After some time spent therein, the Council resumed its regular session.

On motion,

The Council took a recess of one hour.

The Council resumed its session.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature twenty-four enrolled bills, which have been signed by the Speaker of the House of Representatives.

They have passed Nos. 148, and 151, Council file.

They have receded from their disagreements to

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution."

Mr. Hastings had leave and introduced

No. 152, Council file, A joint resolution relative to compensating Samuel Wilson,

Which was read a first and second times, and

On motion,

The 13th rule was suspended and said resolution was read a third time,

And the question being on its passage,

Mr. Browne called the yeas and nays,

Which were as follows:

YEAS—Messrs. Hastings and Wallace—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Leffler, Springer, and President—6.

So said resolution was lost.

On motion by Mr. Springer,

The Council appointed Messrs. Springer and Bainbridge a committee on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon his Excellency, and inform him that both branches of the Legislative Assembly are prepared to adjourn, *sine die*, unless he has some further communication to make to them

On motion by Mr. Bainbridge,

The Council appointed Messrs. Bainbridge and Leffler a committee to wait upon the House of Representatives, and inform them that the Council has no further business before them, and that they are ready to adjourn *sine die*.

On motion,

The Council took a reeess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

The Council resumed its session.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 17th inst., to the Governor for his approval,

A memorial to Congress for an appropriation to improve the Rapids in the Mississippi river.

An act amendatory of an act to organize, discipline and govern the militia

An act to re-locate a part of a Territorial road in Washington county.

An act to divorce Rebecca Fisher from her husband, John Fisher.

An act to incorporate an Insurance Company at the town of Farmington, in Van Buren county.

A memorial for a new land district.

A memorial for a new land district.

A memorial for a new land district.

An act to re-locate that portion of the Territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county.

Memorial to Congress relative to the contigious sections of land to Iowa City.

A memorial to Congress for the benefit of agriculture.

A memorial for a new land district.

An act to provide for compensation of members, officers and printers of the Legislative Assembly, and for other purposes.

An act to change the name of the town of Vandenburg, in Clinton county to that of "De Witt."

An act to divorce Clarissa Welsh from her husband, Samuel C. Welsh.

An act to amend an act subjecting real and personal estate to execution.

A resolution authorizing the payment of mnoey to James F. Hanby.

An act to amend the militia law.

An act supplementary to an act regulating marriages, appproved, January 6, 1840.

An act relative to the Davenport Institute.

An act for the relief of James Davis, former Sheriff of Muscatine county.

An act relative to the survey of the town of Salem, in Muscatine county.

An act to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

An act relative to officers of the Legislative Assembly.

A memorial to Congress praying an appropriation for the compensation of James M. Morgan.

An act to incorporate the town of Fort Madison.

An act for the re-location of a part of the Territorial road from Iowa City to Prairie du Chien.

An act to re-locate a part of a Territorial road in Louisa county.

An act to change the name of Rising Sun to Pittsburgh.

An act to re-locate a part of the Territorial road from Iowa City to Burlington.

An act to incorporate the Mount Pleasant Literary Institute.

An act to establish an Insurance Company in the city of Dubuque.

A memorial to Congress for the benefit of agriculture.

An act supplemental to an act relative to incorporated religious societies.

An act to review a part of the Territorial road from Moscow, via, Rochester, to Marion, in Linn county.

An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

Joint resolution relative to the printing of the laws of the present session.

An act to amend an act relative to divorce, alimony, and for other purposes.

An act supplementary to an act providing for the appointment of a Superintendent of public buildings, at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

An act to provide for the keeping of stallions ond jacks.

An act to repeal an act to create the office of Superintendent of public instruction.

A joint resolution relative to compensating Gilbert & Ruggles.

A joint resolution authorizing payment of money to the Secretary of the Territory.

A memorial for the establishment of a Land Office at Fairfield in Jefferson county.

An act to incorporate the Cedar Rapids Manufacturing Company.

Mr. Springer had leave and introduced

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory,

Which was read a first and second times, and

On motion,

The 13th rule was suspended: said resolution was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—The House of Representatives have passed—

Joint resolution authorizing the payment of money to O. H. W. Stull, Secretary of Territory.

The House have appointed Messrs. Morgan and Robertson as a committee

on the part of the House, to act in conjunction with a similar committee to to be appointed on the part of the Council, to wait on his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn if he has no further communications to make to them.

I herewith present for your signature twelve enrolled bills and joint resolutions, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer from the joint committee on enrollments, reported as correctly enrolled

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory.

No. 30, Council file, Memorial for the establishment of a land office at Fairfield, in Jefferson county.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company.

No. 151, Council file, A joint resolution relative to compensating Gilbert & Ruggles, &c.

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction,

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

No. 3, Council file, A bill supplementary to an act providing for the appointment of a Superintendant of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session.

No. 82, Council file, An act to repeal an act to regulate petitioning the Legislature in certain cases.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes.

No. 148, Council file, A bill to review a part of the Territorial road from Moscow, via Rochester, to Marion, in Linn county.

A committee from the House of Representatives waited upon the Council to inform them that there is no business before the House, and that the House is ready to adjourn, *sine die.*

Mr. Bainbridge, from the committee appointed to wait upon the House of Representatives, reported that they had performed that duty.

On motion,

The Council adjourned until 7 o'clock to-morrow morning.

Friday Morning, Feb. 18, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. President—I herewith present for your signature, two enrolled bills, which have been signed by the Speaker of the House of Representatives"

Which were signed by the President.

On motion by Mr. Browne,

The resolution in relation to Mr. Swan was taken from the table, and

On motion,

Said resolution was rejected.

Mr. Springer, from the joint committee to wait upon the Governor, reported that they had discharged that duty, and that the Governor informed them that he had no further communication to make.

On motion by Mr. Hall,

The nomination of John E. Ely was confirmed.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

No. 135, Council file, An act to amend an act to incorporate the town of Bloomington; Also,

No. 27, Council file, A memorial to Congress for the establishment of a land office at Marion, in Linn county,

And find them correctly enrolled, and that they had presented the same to the Governor for his approval.

And there being no further business before the Council,

On motion,

The Council adjourned *sine die.*

APPENDIX.

REPORT

OF THE TERRITORIAL AGENT TO THE LEGISLATURE OF IOWA TERRITORY.

OFFICE OF THE TERRITORIAL AGENT,
Iowa City, December 12, 1841.

To the Honorable Legislative Assembly:

GENTLEMEN—In compliance with the requirements of law, I herewith submit my Annual Report:

On entering upon the duties entrusted to my charge, I made a demand upon the former Acting Commissioner of Public Buildings for the delivery to me of all public moneys, papers, records, and property in his possession, as contemplated by the provisions of the 16th section of "An act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

On this requisition I received from him notes payable to the Acting Commissioner, or his successor in office, and given in payment for lots in Iowa City, amounting to $20,627 36

With credits endorsed on the same, amounting to 2,344 61

Leaving $18,282 75

The receipts since the 15th of January, 1841, up to the 1st inst, are as follows, to wit:

On notes given in payment for lots sold by former Acting Commissioner on Public Building, $8,687 42½

Interest collected on same, 142 51

Total amount of receipts from notes, $8,829 93½

Receipts from sales of lots sold by Territorial Agent since the 10th of May, (being the date of the public sale of lots,) 4,206 16

Proceeds of loans negatiated with the Miners' Bank of Dubuque, under the provisions of "An act au-

thorizing a loan of money to be expended upon the Capitol," negotiated on the 28th of June last,	5,000 00	
Proceeds of further loan negotiated with said bank, on the 30th of September last,	500 00	
Amount deducted from pay-rolls on account of blacksmithing,	34 49	
Total amount of Receipts for the year, ending on 1st inst.,		$18,570 59

EXPENDITURES.

The expenditures on the Capitol for the year ending the 1st of the present month were as follows, to wit:

For the month of January,	$ 52 00	
February,	151 50	
March,	1,260 60	
April,	2,807 30½	
May,	4,135 35 1-2	
June,	4,869 86	
July,	3,445 40 1-2	
August,	3,219 86	
September,	1,909 64	
October,	438 68	
November,	665 98 1-3	
Total amount of expenditures for year ending 1st inst,		$22,956 19¼
Showing an excess of expenditures for the year, over and above the amount received by me, of		$4,285 60

The item in the above exhibit designated an excess of expenditures over and above the receipts by me, has been discharged by the issuing of certificates of indebtedness to the laborers and other creditors of the Territory on account of the capitol, payable to bearer, and receivable in payment of any debts due the office.

Upon commencing the work upon the capitol the past spring, the only means in my hands for its prosecution were the notes on hand given in payment for lots in Iowa City, amounting to $18,282 75. I found that it would be impossible to render these notes available by the collection of money to an extent that would enable the Superintendent of the capitol to continue the work.

In order to obviate these difficulties as far as practicable, and to render the means in my hands available to as useful an extent as possible, to enable the Superintendent to proceed with the work efficiently, I adopted the plan of issuing certificates of indebtedness to the laborers and others on account of the capitol, which certificates specified that the same would be receivable in payment of any debts due the office.

The plan adopted, I was gratified to find, under the circumstances, answered a valuable purpose, both to the public service, and the numerous individuals indebted to the Territory for city lots. A large proportion of the property holders of Iowa City and vicinity being indebted to the Territory for lots previously purchased, these certificates are readily received in payment in all ordinary business transactions in the city, and gradually find their way back into the office, either in payment of notes previously given, or in pay-

nt of new purchases of city lots. Thus nearly the entire receipts into office, both in payment of notes previously given, as well as in payment lots sold by me have been received in the certificates above referred to. On the 28th of June last, I negotiated a loan of five thousand dollars— l on the 30th of September, an additional loan of five hundred dollars— h the Miners' Bank of Dubuque, on the faith of the unsold lots in Iowa y, and in accordance with the provisions of "An act authorizing a loan of ney to be expended on the capitol," approved January 15, 1841. The t amount ($5000) I agreed to pay at the Bank of America, in the city of w York, eighteen months after date, the interest payable quarterly at the te Bank of Missouri, in the city of St. Louis. The latter amount of $500 greed to pay at the State Bank of Missouri, in the city of St. Louis, nine nths after date. These loans were negotiated at seven per centum per an- m.

ere were outstanding on the 1st inst, certificates of indebteness, as above referred to, amounting to $5,214 91

78 00 of which is payable in cash, the balance to be received in payment of debts due the office.

e excess of expenditures over the receipts by me, as shown above, amounts to 4,385 60

aving in my hands, at the date above stated, unaccounted for, $829 31

My own salary, as Agent, is not included in the above exhibit, and I have my possession a number of receipts on unsettled accounts which are not luded.

tal amount of notes on hand at the date above referred to $14,324 36

e unsold lots, at present valuation, as fixed by law, amount to 108,369 00

Total amount of notes and unsold lots on hand, $122,693 36

The amount of arrearages incurred on the capitol, as shown above, are as ows, to wit:

tstanding certificates,	$5,214 91	
ount of loans,	5,500 00	
Total,		$10,714 91

I would respectfully recommend a further reduction of the minimum price the lots, convinced as I am, that unless the price be reduced below the esent rates, the sales of the next year will be very considerably less than se of the last. I feel justified in saying that the sales of the past season uld not have exceeded one half the amount they have, had it not been for fact that certificates, such as I have referred to, have been received in ment of purchases.

I would further suggest, that unless further provisions be made, at the sent session of the Legislative Assembly, for making available the means er my control for the prosecution of the work on the capitol, but little be done towards its completion during the next year. The amount of arages incurred the past season will necessarily have to be provided for re means for its continuance can be had. The issuing of certificates, as etofore, will in a great measure be prohibited, from the fact that more than half the arrearages referred to are payable in cash.

Within the past year I have compiled, with as *much accuracy as the means*

within my power would admit a permanent record, exhibiting in detail whom the several lots were sold, the date and number of sale, number block and lot as designated on the plat of the city, the minimum price of ea lot, the amount sold for, how paid for, date of notes, date when notes beco due, and date when the same were paid; also, total amount received on ea lot, and to whom deeded, date of deed, &c.—thus showing at a single gla the exact condition of each lot sold.

From this record I have compiled the accompanying abstracts, marked and B. The first shows the present condition of the lots sold by the Act Commissioner, the amount which he received on each lot, as well as amount received on the same by myself.

Abstract B is a list of the lots sold by me since the 10th of May las that being the date of the public sale—showing to whom sold, &c. It w be seen by this statement that the sales since the date referred to amount $9,031 00. All of which is respectfully submitted.

JESSE WILLIAMS,
Territorial Agent

AN ABSTRACT

Of Sales of Lots in Iowa City, made by the former Acting Commissioner on Public Buildings; showing to whom sold, the amount received on each lot by the Acting Commissioner, and the amount of principal and interest received on the same by the Territorial Agent, together with the amounts yet due on each lot: also, showing the date at which the last payment on the lots become due.

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Amount sold for.	Amount receiv'd by Ac. Commiss'r.	Amount rece'd by Ter. Agent.	Amount of interest received.	Amount yet due.	Date when last payment become due.
Jan'y. 1, 1841.	220	Robert Lucas,	20	1	$100	$ 25 00	$ 25 00		$ 50 00	July 1, 1842.
	221	" "		2	75	18 75	18 75		37 50	
	222	" "		3	75	18 75	18 75		37 50	
	223	" "		4	100	25 00	25 00		50 00	
	224	" "		5	25	6 25	6 25		12 50	
	225	" "		6	20	5 00	5 00		10 00	
	226	" "		7	20	5 00	5 00		10 00	
	227	" "		8	25	6 25	6 25		12 50	
	228	" "	24	5	25	6 25	6 25		12 50	
	229	" "		6	20	5 00	5 00		10 00	
	230	" "		7	20	5 00	5 00		10 00	
	231	" "		8	25	6 25	6 25		12 50	
Oct. 11, 1839.	121	W G Finch,	39	6	41	20 50	20 50	57		
10,	107	Christopher Miller,		1	42	42 00				
11,	122	John Shays,	44	1	50	25 00	25 00			
Aug. 21,	34	Mathew Tehiche,		2	90	67 50	22 50	21		
Oct. 12,	133	F M Irish,		3	20	10 00	10 00	17		
Aug. 20,	35	A Osborn,		4	110	82 50			27 50	Feb. 21, 1841.
Oct. 12,	134	Willson & Mullholland	45	5	55	27 50	13 75	77	13 75	April 12, 1841
Aug. 21,	36	Wm Bostick,		6	105	105 00				
Oct. 10,	108	Jacob S Gobbin,		7	76	19 00			57 00	10,
Aug. 21,	37	Wm Bostick,	48	1	70	70 00				
	38	G A Martin,		3	31	23 25	7 75			
Oct. 12,	135	E M Bissell,		5	76	19 00			57 00	April 12, 1841
	136	" "	49	1	41	10 25			30 75	

Aug 21,	39	Casper Nich,		2	34	17 00	17 00	56		
Oct 9,	9	Luke Douglass,		4	61	45 75	15 25			
10,	108	Christopher Miller,		6	50	50 00				
12,	137	E M Bissell,	50	1	45	11 25			33 75	
Aug 21,	13	A G Martin,		2	34	17 00	17 00			
	12	Wm Bostick,		4	60	60 00				
Oct 11,	40	A G Gano,	51	1	60	60 00				
Aug 21,	41	Cor Van Hagan,		2	51	25 50		17	25 50	Feb 21, 1841
Oct 11,	124	John Shaya,		3	34	17 00	17 00			
Aug 20,	4	Ward & Hartz,		4	67	58 62	8 37½			
21,	52	Joseph Allen,	52	5	25	6 25			18 75	
	43	" "	"	6	25	6 25			18 75	
	44	Willson & Mullholland,		7	25	18 75	6 25	9		
	45	" "		8	25	18 75	6 25	20		
Oct 12,	13	F M Irish,	53	5	52	31 25	20 75	31		Feb 21, 1841
	140	" "		6	41	10 25			30 75	April 12, 1841
9,	9	I E Woolton,		7	41	20 50			20 50	9,
12,	141	E M Bissell,		8	51	25 50	25 50	64		
Aug 21,	4	Wm Bostick,	54	1	105	105 00				
	142	Philip Clark,		2	50	25 00	25 00	1 20		
Oct 12,	143	E M Bissell,		4	41	20 50	20 50	1 02		
Oct 12,	144	Samuel H M'Crery,		7	31	31 00				
11,	12	S & J Ogden,	55	1	42	42 00				
Aug 21,	145	Wm C Massey,		4	98	44 00			44 00	Feb 21, 1841
20,	6	Charles Jack,		6	43	10 75			32 25	20,
Dec 29,	19	Chauncey Swan,		7	41	30 75	10 25			
Aug 21,	47	George Wein,	56	3	51	25 50			25 50	21,
Oct 11,	126	Wm G Finch,		4	53	26 50	26 50	74		
Aug 21,	146	Samuel H M'Crery,		5	89	44 50	44 50	97		
Oct 10,	110	Charles Sweetland		6	68	34 00			34 00	April 10, 1841
12,	147	E M Bissell,	57	2	51	12 75			38 25	12,
Aug 21,	148	Wm Bostick,		4	75¼	75 25				
	48	Casper Nich,		6	47	23 50	23 50	87		
Oct 12,	149	David Cox,		7	53	13 25	26 50	88	13 25	
Jan 27, 1840	199	Francis Thompson,	58	3	32	16 00	16 00			
Oct 12, 1839	84	Wm C Massey,		5	132	70 25			61 75	Feb 21, 1841
	49	Samuel H M'Crery,		6	57	57 00				
Aug 20,	6	Charles Jack,		7	52	13 00			39 00	20,

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of lot.	Amount sold for.	Amount receiv'd by Ac. Commiss'er.	Amount received by T. Agent.	Amount of interest received.	Amount yet due.	Date when last paym'nt become due.
Oct 12,	150	Samuel H M'Crory	59	4	76	76 00				
Aug 21,	50	Mathew Teniche		6	72	54 00	18 00	56		
Oct 12,	151	S H McCrory		7	34	34 00				
Aug 21,	51	Wm Bostick		8	105	105 00				
	52	" "	60	2	71	71 00				
Oct 10,	111	Benj Kincaide		4	206	51 50			150 50	April 10, 1841
Aug 20,	53	J G Morrow	61	1	100	50 00	50 00	2 10		
21,	54	Wm Bostick		3	219	219 00				
Oct 11,	127	J G Nichols		4	242	60 50			181 50	11,
10,	112	James Herron		6	120	60 00	60 00	2 20		
12,	152	F M Irish		8	150	107 50	42 50	35		
Aug 29,	87	Hannah Cole	62	1	50	25 00	25 00	1 08		
Oct 11,	128	John Shays		3	91	45 50	45 50	45		
9,	93	Vanfleet & Cross		4	155	59 51	31 31	1 25	64 18	9,
10,	113	R McIntosh		5	97	48 50			48 50	10,
9,	94	James Laughlin		6	71	35 50	35 50	70		
	95	" "		7	85	42 50	42 50	58		
8,	96	Wm Drury	63	2	78	51 44	7 06	39	19 50	8,
Aug 21,	55	Wm Bostick		4	186	186 00				
Oct 10,	114	James Herron		6	60	30 00	30 00	60		
Aug 20,	7	L E Hartz		7	70	70 00				
Oct 12,	153	Mathias Lamar	64	1	93	46 50	46 50	1 53		
9,	97	Vanfleet & Cross		2	55	21 11	26 56	94	7 33	9,
Aug 21,	56	Henry C Buck		4	254	190 50	63 50			
20,	57	Turner & Black		7	69	34 50	34 50			
21,	58	C S Cowan	65	1	189	189 00				
Oct 11, 1839	129	Wm Devall		3	150	75 00	75 00	1 54		April 9,
12,	154	Henry Heart		4	304	152 00	96 00	3 78	56 00	
9,	98	James Laughlin		5	126	54 50	71 50	1 73		
Aug 21,	59	Abraham Owen		6	105	26 25			77 75	Feb 21,
	60	Wm Bostick	66	4	449	384 25	64 75	1 13		
20,	8	John B Adams	77	4	450	225 00			225 00	20,

Oct 11,	130	Abner Walcott	68	2	85	82 44	2 56			
Aug 21,	61	Felkner & Myers		4	303	227 25	75 75	1 64		
Oct 12,	155	McCrory & Cropper		5	175	87 50	43 75	1 27	43 75	April 12,
	156	Samuel J Frost		6	150	37 50	112 50	5 87		
Aug 20,	9	Charles Jack		7	180	36 75			143 25	Feb 20,
Jan'y 27, 1840	200	Philip T Wells	69	2	31	9 25			21 75	July 27,
		Joseph Adams		4	76	26 00	50 00	25		
Aug 21, 1839	62	Wm Bostick		5	162h	121 88	40 62h	72		
Jan'y 25, 1840	198	Elisha Duel		6	77	57 75			19 25	25,
Aug 20, 1839	10	Myron Ward		7	101	25 25			75 75	Feb 20,
Oct 12,	157	Charles S Foster	77	2	100	50 00	50 00	84		
Aug 20,	11	B S Olds		5	306	229 50	76 50			
Oct 12,	158	Ed Foster		6	127	63 50	63 50	1 18		
Aug 20,	12	Charles Jack		7	200	50 00			150 00	Feb 20,
Oct 12,	159	George T Andrews		8	201	100 50	20 81		79 69	April 12,
	160	J Shaw	78	1	265	66 25	132 50		66 25	
Aug 21,	63	Bowen & Sanders		2	222	80 50	32 70	3 10	108 80	Feb 21, 1841,
Oct 9,	99	Wm Drury		4	201	172 50	28 25	83	25	April 9,
Aug 20,	13	J C Hutchison		5	605	453 75	151 25	3 75		
Oct 12,	115	James Herron		7	190	142 50	47 50	20		
Aug 21,	64	J V Campton	79	3	749	187 25	219 61	15 83	342 14	Feb 21,
	65	Wm Bostick		6	750	562 50	187 50	3 26		
Oct 3, 1840	219	Edward Foster		7	700		291 54		408 46	Oct 3,
Aug 21, 1839	66	Wm Bostick		8	725	543 75	181 25	3 15		
20,	14	Mathew Teniche	80	1	300	200 00	100 00	1 55		
Oct 8,	89	Jesse Bowen		2	307	76 75	230 25	6 02		
Sept 27, 1840	216	M H Cropper		3-4 3	600	150 00	800 00		150 00	March 27, 1842,
	216	Woodworth & Reagan		¼ 3	400		133 34	2 72	266 66	
Oct 12, 1839	161	M H Cropper		4	400	125 00			275 00	April 12, 1841,
Aug 21,	67	Walter Butler		5	300	150 00			150 00	Feb 21,
Sept 1, 1840	202	" "		6	800	200 00			600 00	March 1, 1842,
Aug 21, 1839	68	Wm Bostick		7	256	192 00	64 00	1 11		
Oct 12,		John Shaw,		sh 8	175	43 75	131 25	3 05		
		Dyman Dillon		nh 8	130	32 50	97 50	5 64		
Aug 20,	15	Elijah Wood	81	1	271	135 50	135 50	6 17		
Nov 4,	184	Chauncey Swan		2	149	37 25			111 75	July 8, 1841,
Aug 25,	16	R B Davis		3	266	199 50	66 50			
Oct 12,	163	Philip Clark		6	100	50 00	50 00	1 00		

Date of Sale.	No. of Sale.	To whom Sold	No. of Tract.	No. of Lot.	Acres.	Purchase Money.	Interest.	Costs.	Credit.	Date of Payment.
	164	Robert McKee		7	100	[illegible]	[illegible]		[illegible]	[illegible]
	165	Lyman Dillon	82	1	150	50 00	100 00			
Nov 12,	166	" "		2	96	24 00	72 00			
Aug 21,	69	Henry Bolling		4	217	193 73			[illegible]	Feb 21,
Jan 8, 1840,	185	Walter Butler		5	118	13 00			105 00	July 4,
Aug 21, 1839,	70	Wm Bostick		7	130	97 50	32 50	56		
Oct 11,	131	John Shays	83	1	169	84 50	84 50	64		
12,	116	James Heron		2	105	26 25	22 62		56 13	April 12,
Aug 20,	17	Sturgis & Buck		3	156	39 00			117 00	Feb 20,
Oct 9,	100	Arnold Denton		5	90	45 00			45 00	April 9,
Aug 28,	85	Abraham Cline		7	100	50 00			50 00	Feb 28,
Oct 12,	167	" "		8	101	25 25			75 75	resold April 12,
Aug 21,	71	James Wells	84	1	519	339 50	179 50	4 42		
Oct 9,	101	Daniel Garst		2	306	153 00	153 00	3 25		
Aug 21,	72	Wesley Jones		3	300	225 00	75 00	92		
20,	18	Turner & Black		4	481	240 50	240 13		37	Feb 20,
Oct 8,	102	Frederick Miller		6	125	31 25			93 75	April 8,
12,	168	Jesse Berry		7	183	65 75	90 00	1 55	27 25	12,
	169	Wm M Harris		8	181	45 25	135 75	4 31		
8,	103	Caleb Lewis	85	2	110	55 00			55	8,
Aug 28,	86	Green Weaver		3	205	205 00				
Oct 10,	117	Alpheus Russell		4	251	62 75			188 25	10,
12,	170	J Harris		5	606	303 50			302 50	12,
8,	90	Wm Drury	85	6	367	242 06	38 00	1 38	86 94	8,
Sept 5, 1840,	219	Ferdinand Haverstraw		7	800	200 00	250 00	1 33	50 00	March 5, 1842,
Aug 21, 1839,	73	Mary Ann Chord		8	300	150 00	150 00	4 86		
Oct 9,	104	James C Scott	86	1	142	71 00			71 00	April 9, 1841,
Aug 20,	19	L E Hartz		2	86	86 00				
Oct 9,	105	Wm Drury		4	150	75 00	37 50	92	37 50	
Aug 20,	106	E Woods		5	151	113 25	37 75	1 77		
Oct 9,	20	James C Scott		7	146	73 00			73 00	
Aug 19,	1	L D Phillips		8	330	82 50			247 00	Feb 19,

	2	G W Statton	89	1	125	62 50	62 50	1 87		
Dec 25,	171	Lyman Dillon		2	31	7 75	23 25			
		" "		3	41	10 25	30 75			
		" "		4	111	25 25	85 75			
Oct 12,	74	Wm C Massey		5	101	25 25			75 75	April 12, 1841,
Aug 21,	75	Wm Bostick		8	81	60 75	20 25	30		
	76	Charles Drury	90	1	100	75 00	25 00	42		
Nov 12,	118	" "		2	51	38 25			12 75	May 12,
Oct 11,	132	A Gano		3	51	51 00				
Aug 21,	77	F Byerly		4	81	40 50	40 50			
Oct 12,	174	Geo Sheigley,		5	300	150 00	150 00	59		
Aug 20,	21	E Woods		6	185	106 00	79 00	2 23		
25,	83h	Jas Churchman	91	3	160	40 00			120 00	Feb 25,
Oct 12,	175	E M Bissell		4	299	74 75			224 25	April 12,
Aug 20,	22	E Woods		5	101	50 50	50 50	3 09		
Oct 12,	176	E M Bissell		6	51	25 50	25 50	47		
Aug 20,	23	Pleasant Harris		8	200	100 00	47 69		52 31	Feb 20,
	24	John Miller	92	2	51	25 50	25 50	91		
Dec 29,	195	Lorenzo D Swan		3	41	26 50	20 50	22		
Oct 12,	186	H G Jones	92	4	76	57 00	19 00	07		
Aug 21,	78	Wm Bostick		5	75	56 25	18 75	33		
Oct 12,	177	Thos Holdren		6	32	16 00			16 00	April 12,
Aug 21,	79	J V Kampton		7	41	10 25	30 75	1 59		
Oct 10,	119	John W Earhart	95	1	51	12 75	27 88	39	10 36	
Aug 21, 1839,	88	E C Dougherty		2	55	55 05				
Dec 29,	196	Silas S Swan		3	41	10 25	30 75	40		
		Chauncey Swan		6	31	11 25	19 75			
Aug 21,	178	Samuel H McCrory		8	63	31 50	31 50	69		
Oct 10,	120	R McIntosh	96	2	64	32 00			32 00	April 10,
Aug 20,	25	Turner & Black		4	100	50 00	50 00			
Nov 4,	181	Chauncey Swan		5	55	5 00	50 00	25		
Aug 20,	26	Joshua Holland		6	74	18 50	55 50	2 41		
21,	81	Joseph Alger		8	121	71 00	50 00	2 17		
Nov 4,	188	Chauncey Swan	97	1	301	139 00	162 00	81		
Aug 19,	3	Ewing & Chatham		3	265	66 25			198 75	Feb 13, 1841,
June 18,	179	J P Hamilton		6	41	41 00				
Dec 12,	192	Chas J Swan		7	41	11 75	29 25	56		
Aug 20,	27	E Woods		8	176	88 00	88 00	2 78		
Dec 12,		Dolly Swan	98	2	105	105 00				

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Amount sold for.	Amount received by Ac. Commiss'er.	Amount received by T. Agent.	Amount of interest received.	Amount yet due.	Date when last payment become due.
Aug 21,	82	Wm Bostick		4	272	204 00	68 00	1 18		
20,	28	E Woods		5	141	70 50	69 32		1 18	Feb 20,
	29	" "		7	76	38 00			38 00	20,
Nov 4,	189	Chauncey Swan		8	76	26 00	50 00			
Oct 12,	30	J Harris	99	1	77	19 25			57 75	April 12,
Aug 20,	31	P Buck		3	136	59 00			77 00	Feb 20,
21,	83	Wm Bostick		5	117	87 75	29 25	51		
Dec 29,	190	Chauncey Swan,	99	6	31	11 25	19 75			
Oct 10,	180	Wm C Massey		7	31	15 50			15 50	April 10,
Aug 20,	32	Wm Sturgis		8	57	14 25			42 75	Feb 20,
	33	E Woods	100	1	85	64 25			20 75	20,
21,	181h	John Frout		3	90	45 00	4 40		40 60	21,
Oct 11,	181	Arthur Rowan		2	67	33 50	33 50	1 22		
Jan'y 25, 1840	191	John Frout		4	44	11 00			33 00	21,
Sept 8,	211	Chauncey Swan	101	1	201	50 25	100 50	58	50 25	March 8, 1842,
	212	" "		2	217	54 25	54 25	4	108 50	8,
4,	203	Wesley Jones & Co		3	125	31 25	62 50		31 25	4,
8,	213	Lorenzo D Swan		6	100	25 00			75 00	8,
4,	204	Wesley Jones & Co		7	126	31 50	63 00		31 50	4,
8,	205	Wm C Reagan		8	150	37 50	25 22		87 18	8,
	206	L De Forest	102	2	150	37 50	37 50		75 00	4,
9,	215	James Andrews		3	200	50 00	39 00		111 00	9,
1,	201	L W Hastings		4	300	75 00	150 00		75 00	1,
7,	201	Banbury & Combe		5	250		87 62		162 38	7,
4,	207	Lanning & Layman		6	150	37 50	63 37		49 13	4,
4,	208	James Furguson		8	200	42 50	105 00		52 50	4,
Oct 1,	218	P D Harman	103	4	250	42 18	44 28		163 54	Oct 1, 1841,
Sept 29,	217	James Herron		7	200	50 00			150 00	March 29,
8,	214	James N Ball		8	250	62 50	62 50		125 00	8,
Oct 7, 1839	88	Jacob Minter	otl't	25	167	41 75			125 25	April 7,
12,	182	Lyman Dillon	"	30	125	93 75			31 25	
	183	" "	"	31	350	262 50			87 50	March 12
					35,051 75	16,864 61	8,687 40	142 51	9,499 72	

[B]

LIST OF LOTS

SOLD IN IOWA CITY BY THE TERRITORIAL AGENT,

Showing the minimum price and the price for which each lot was sold; the date and number of lots; the amount received and the amount yet due on the respective lots; also, the date at which the several notes become due.

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Mini'm. price.	Price sold for.	Amount received on each lot.	Amount yet due.	Date when 1st note becomes due.	Date when 2d note becomes due.
May 11, 1841,	232	Shoemaker & Miller	81	8	$475 00	$475 00	$282 50	$192 50	Feb 11, '42,	
	233	A I Willis		5	650 00	651 00	397 00	254 00	Nov 10, '41,	May 11, 1842,
	234	Wesley Jones & Co		4	800 00	800 00	533 33	266 66		11,
12,	235	Thomas Lugar	82	6	200 00	200 00	133 33	66 66		12,
	236	" "		8	300 00	300 00	200 00	100 00		"
13,	237	Silas Foster	87	5	200 00	200 00	133 33	66 66		13,
13,	238	Hosea Johns, jr	otl't	2	350 00	350 00	116 66	233 33	" 13,	"
	239	Diodate Holt	"	29	300 00	300 00	100 00	200 00	" "	"
June 3,	240	Theodore Sanxay	78	3	350 00	350 00	233 33	116 66		June 3, 1842,
	241	Thomas Parker	91	1	500 00	500 00	166 66	333 33	" "	"
7,	242	Erasmus Tulleys	101	4	250 00	250 00	125 00	125 00		7,
9,	243	Tulley & Harman	79	5	600 00	600 00	300 00	300 00		9,
10,	244	John M Coleman	otl't	21	200 00	200 00	66 66	133 33	Dec 10, '41,	10
14,	245	Beaumont S Holmes	79	4	550 00	550 00	183 33	366 66	14,	14
16,	246	Augustus E McArther	23	3	150 00	150 00	50 00	100 00	16,	16
	247	" "	"	4	200 00	200 00	66 66	133 33	16,	16
18,	248	Jos Woodworth	97	5	250 00	250 00	83 33	166 66	18,	18
July 12,	249	Jacob Haser	68	8	300 00	300 00	100 00	200 00	Jan 12, '42,	July 12, 1842
20,	250	McArther & Coe	96	7	150 00	150 00	50 00	100 00	20,	20
23,	251	J B Hollingsworth	102	7	220 00	250 00	85 33	166 66	Dec 23, '42,	23
	252	" "	101	5	255 00	225 00	75 00	150 00	23,	23

21,	253	John H Marlan	82	3	325 00	325 00	108 33	216 66	24,	23,	
Aug 14,	254	Samuel M Ballard	otl't	3	400 00	400 00	266 66	133 33	Feb 14, 1842,	Aug 14, 1842,	
Sept 18,	255	Wm Corcoran	68	1	225 00	225 00	75 00	150 00	Mar 18, 1842,	Sept 18, 1842,	
30,	256	John M Coleman	otl't	22	150 00	150 00	50 00	100 00	30,	20,	
	257	John Hurley	"	23	130 00	130 00	43 33	86 66	30,	20,	
	258	Driscoll & Jolley	"	20	200 00	200 00	66 66	133 33	30,	20,	
Oct 16,	259	W W Woods	"	1	350 00	350 00	116 66	233 33	Ap 16, 1842.	Oct 16, 1842,	
					9,030 00	9,031 00	4,206 16	4,824 83			

REPORT

OF THE SUPERINTENDENT OF PUBLIC BUILDINGS AT IOWA CITY.

To the Honorable, the Council
and House of Representatives:

Gentlemen:—In compliance with law, I have the honor to submit my annual Report as Superintendent of Public Buildings at Iowa City.

The whole amount of fine cut stone laid in the walls of the Capitol, this season, is four thousand six hundred and seventy-three feet.

The number of cubic feet of dressed rock, is twenty-one thousand one hundred and forty-six feet; making a total of twenty-five thousand eight hundred and nineteen feet of masonry since the date of my report, dated Nov. 1st 1840, as Acting Commissioner.

The total amount of expenses for work, as exhibited by pay rolls, this season, is as follows, to wit: $17,509 85

For work on Capitol,	$10,615 75
do in quarry,	6,262 93
do on the roof,	631 35
Total,	$17,509 85

Sixty thousand brick have been laid in the walls. The second tier of joists (being the contract of Heron & Hanby, made last season,) is finished. Twenty thousand feet of oak flooring, of the best quality, has been delivered by John Ronalds, Esq., at the Capitol, and he has received his pay for the same, agreeable to contract, viz: $429, paid by me, and the balance by Jesse Williams, Agent, ($171,) making six hundred dollars, or thirty dollars per 1,000 feet, being the terms of said contract.

The walls of the Capitol, on the east front, are raised to the bottom of the cornice, being thirty-five feet from the ground. The walls of the west front and ends of the building are thirty feet from the ground, and the expense of raising them as high as the east front, being to the square of the building, will not be far from $1,000. The east portico has also been raised this season.

I have caused the walls of the building to be covered with a roof, the second floor being nearly covered with plank to protect the inside walls and joists from the effects of the weather.

By referring to a report of the committee appointed last session to examine the Public Buildings, &c., the following passage will be found:

"The committee have suggested to the Acting Commissioner the propriety of dressing the pilasters in the same manner as the water-table, door jambs, &c."

Notwithstanding I was aware of the difficulty of procuring rock suitable for cutting, I felt it my duty to act on the suggestion of said committee, as being instructions from your Honorable body. The walls were removed in the spring, that had been laid in places where it became necessary to set cut rock. Instead of raising the walls of rough masonry, they are made with range work, and make such a contrast with the cut pilasters, that the whole has a fine appearance, far superior to rough cast or hard finish.

The extra expense in erecting the Capitol, as above stated, over my last estimate, made Nov. 1st, 1840, and before I received said instructions, including extra work in quarry, has been $8,500.

$1,500 would have been sufficient to have quarried all the rough rock for the Capitol, this season; but in furnishing rock suitable for cutting, it became necessary to expend over that sum to enlarge the quarry, and in digging from twelve to twenty feet deeper; and then but a small portion of the rock thus procured would answer for dimension rock for pilasters.

I examined other sections of the country in order to find a quarry that could be worked with less expense, but found none, when taking into consideration the difference in transportation.

In justice to the above named committee, as well as to myself, I must say that the alteration in the manner of building (notwithstanding all the difficulties attending it) has been a good one, and has met with the approbation of all who have visited the Capitol this season.

I engaged, in the summer, William B. Snyder, Esq., as superintendent of the roof, with the intention of placing it on the building this season; but having become satisfied, when the work was some more than half done, that it could not be finished this season for want of funds, I directed him to suspend the work on the same.

At his suggestion, I employed a few hands to finish that part of the framing which had been commenced. The roof is under a shed, and protected from the effects of the weather; and also the flooring plank delivered by Mr. Ronalds.

The tools used in the quarry, and also those used on the building, and in the blacksmith shop, together with 900 pounds of iron and 200 pounds of steel, are in the vault of the Capitol under lock and key.

We have, on hand, the window-frames and sash, delivered by Thomas Snyder—five hundred bushels of lime, and four thousand bushels of sand.

The timber for the roof, partly framed and forty thousand feet of lumber, including the sheeting for the roof, is nearly all of the oak lumber that will be necessary to inclose the building and lay the floors, this is also on hand.

For a more detailed account of the expenses on the Capitol, and in the quarry, I refer your Honorable body to the report of the Territorial Agent.

All of which is respectfully submitted.

I have the honor to remain, with sentiments of esteem,

Gentlemen, your ob't servant,

C. SWAN,

Superintendent of Public Buildings, Iowa City.

SUPERINTENDENT'S OFFICE,
Dec. 13th, A. D. 1841.

REPORT

OF THE DIRECTOR OF THE PENITENTIARY.

To the Honorable, the Legislative Assembly of the Territory of Iowa:

The undersigned Director of the Penitentiary of Iowa, in compliance with the fifth section of the act of the Legislature, entitled "an act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same," respectfully reports

That, since my last report to the Legislature, of November 4, 1840, there has been but little done towards completing the Penitentiary. The Superintendent had the stone, which was quarried, hauled on the ground (except fifty or sixty perch,) which is now ready to lay up. He has had four doors for the cells completed, except the locks, which are ready to put on; six more doors are nearly completed. The Warden's house, and about one half of the main prison, is now covered, which enables the Warden to have all the convicts advantageously and securely employed; and there is ample room for three times the number to work.

The undersigned, in obedience to the act above referred to, reports the quarterly settlement of accounts of the Superintendent, ending on the 9th of October last.

On the first quarterly settlement with the Superintendent, ending January 9, 1841, I found he had issued, from the date of my last report, certificates for materials found and labor done on Penitentiary, (the greater part of which was due at the date of my last report,) $825 95,		$825 95
April 9, 1841—2d quarter, certificates issued for support of convicts		116 48
3d quarter. July 9, certificates issued for transportation of stone from quarries in Illinois, and for finishing doors and cells for Penitentiary,	702 22	
For support of convicts, pay of Director, guards &c.,	1400 14	
Certificate issued to Wells & Willson,	7100 00	
		9202 36
4th quarter, October 9, certificates issued for transportation of stone from Illinois, &c.,	22 50	
Pay of guards and support of convicts, &c.,	523 84	
		546 34
Amount of certificates issued from the 9th of October to the date of this report, for the support and clothing of convicts, pay of Warden, guards, &c ,	1537 90	
For transportation of stone and work on doors, &c.,	92 88	
		1630 78

It will be seen, by reference to the report of the Superintendent, that there

has been realized, the present year, from the proceeds of materials manufactured by the convicts' labor, &c., the sum of $1133,43; and from the report of the Warden, that the amount of labor done by the convicts on the garden, and of materials now on hand, amounts to about the sum of $800. The undersigned would here observe that the first year's labor of the convicts was principally performed on the Penitentiary, so that it would appear that the proceeds of the labor of the convicts has at least paid for all the expenses of boarding, clothing and pay of guards. The Superintendent has paid off and discharged, of the certificates issued by him, the sum of $1133.43, being the amount realized from the labor of the convicts.

Since my last report

5 convicts have been received.
2 " have been pardoned by the Governor.
1 " escaped.
4 " were discharged by expiration of time for which they were imprisoned, and
4 " are now in confinement.

The convicts have cleared and fenced a large garden during the summer. Part of the convicts have been employed in making brick, and part in the blacksmith-shop, which made it necessary to keep two guards employed.—They are now all at work in one shop, and there is but one guard beside the Warden. They are engaged in coopering and blacksmithing. The convicts have generally been healthy. From the experience of the past year, and the greater facilities now possessed in keeping the convicts at profitable employment, I believe that the labor of ten convicts would pay all expenses of their maintenance, clothing and pay of Warden and guards.

The undersigned, in compliance with the 11th section of the act above referred to, reports that he has established the following rules and regulations for the government of the convicts:

RULES FOR GUARDS.

1st. The convicts must be so arranged, when at work, that the guards can see them all.

2d. The chain of each convict must be examined at least twice every day.

3d. The guards must talk no more to the convicts than is necessary to carry on their work.

4th. The guard on watch must never leave until he is relieved by another guard.

5th. The guards will not be permitted to punish the convicts without the Warden's directions.

RULES FOR THE CONVICTS.

1st. The convicts must submit to all orders from the Warden and guards.

2d. The convicts will not be permitted to talk only when it may be necessary to carry on the business in which they are engaged.

3d. The convicts will not be permitted to speak to any person except the guard, without the Warden's permission.

The amount of certificates issued at the date of my last report, was	$2302 44
There has since been issued to Wells & Wilson, certificates to the amount of	7100 00
Amount of certificates issued the past year, and outstanding,	4205 36
Amount which will be due Director on the 15th of January next, and for which no certificate is yet granted,	187 50
Amount due the Superindent,	1000 00
Amount which Penitentiary is indebted,	$14795 30

The undersigned would also report, that the Superintendent has charged himself with a flat-boat, some ropes and rough stone belonging to the Penitentiary, and which were of no present use, and part of which were in a decaying condition ; also, rent of houses on ground belonging to Penitentiary, amounting in all to about three hundred dollars, which will amount to as much or more than the salary of Superintendent for the present year.

The undersigned estimates the quantity of cut stone on hand at between twelve or fifteen hundred feet ; there are also 170 perch of dimension stone, and 800 perch of rough stone on the ground, which would be sufficient to fully complete the main prison and the lower tier of cells.

In view of the present situation of the Penitentiary, its importance to the Territory, the necessity for its completion, that a safe and secure place of confinement may be provided for all who become amenable to the laws, and considering that the officers who have been employed in superintending its erection, and guarding and securing the convicts, have not as yet received but a part of the compensation to which they are entitled, the undersigned would respectfully suggest that the Legislature should take some efficient measures for the liquidation of the debt and the final completion of the building.

All of which is respectfully submitted.

JOHN CLAYPOOLE,
Director of Iowa Penitentiary.

Fort Madison, December 1st, 1841.

REPORT

OF THE SUPERINTENDENT OF THE PENITENTIARY.

FORT MADISON, December 1, 1841.

John Claypoole, Director of the Iowa Penitentiary:

SIR—In compliance with your request, I submit to you the following report of my official acts, since your last annual report, in November last, as Superintendent.

The following certificates have been issued by me for the purpose of covering in a part of the building, including Keepers house, and for getting the stone over the river, finishing the cell doors, &c., as follows, to wit:

Nov. 18th, 1840, F. Mallet for 94 bushels of lime,	$ 19	74
Jan. 3d, 1841, Simon Gusty for 4600 boards,	34	50
Jan. 4th, do do for 124 rafters,	12	40
" " do do for repairing house,	15	00
" 7th, George Shroop for 37 days work in smith's-shop,	27	75
" " do do for 17 do do do	12	75
" 8th, George Vanbushkirke, 12 days' smith-work,	21	00
" " do do 22 " "	38	50
" " do do 20 " "	35	00
" " C. S. Thurston for painting 4 days,	8	00
" " Stewart and Browne for coal, &c., as per bill,	20	31
" " C. Ollis for 150 perch of stone in quarry,	15	00
" " George Kiel for boarding G. Shroop 9 weeks,	22	50
" " do do for do Geo. Vanbushkirke 10 weeks,	25	00
" " Nicholas Ruly for 4 days painting,	8	00
" " R. Noble for 15 days work and board,	52	50
" " L. B. Parker 11½ days carpenter work,	23	00
" " James Wilson & Co., for iron and nails, as per bill,	59	94
" " Wells & Wilson for hauling stone as per bill,	50	37
" " Wells & Wilson for 17½ days work at 1 00,	17	50
" " H. E. Vrooman for 3 days carpenter work,	5	25
" " Jas. Sankster, 5 days cutting stone,	6	37
" " Thos. Fitzpatrick for iron, &c., per bill,	39	37
" " Geo. Vanbushkirke for 7 days smith-work,	12	25
" " Fitzpatrick & Dorsey for iron, lumber, &c., as per bill,	28	80
" " Wells & Wilson for 30 perch of stone,	52	50
" 9th, do do for stone, &c., as per bill,	162	65
1st quarterly settlement,		
	$825	95

The following certificates have been issued by me in compliance with an act of the Legislature of Iowa Territory, approved, 15th Jan. 1841.

Second Quarterly Settlement.

April 9th, 1841, certificate issued to Bell & Sapp,	$116	48
" 10th, " as follows, to wit:		
" " K. S. Buddubacк for hauling 7 1-3 perch stone,	11	00
" " " " " 20 perch dimension stone,	30	00
" " do do do 17½ do do do	26	25
" " John Malcom for 101½ bushels coal, at 8 cts,	8	12
" " D. Wellington for 8 days carpenter work,	18	00
" " Charles McGary for 22 *h* days smith-work,	39	37
" " James P. Dinwiddie for two days hauling, at 3 00,	6	00
" 22d, D. Wellington for 4 *h* days carpenter work,	10	00
" " Geo. Vanbushkirke for 10 *h* days smith-work,	18	38
" " Geo. Shroop for 13 days blowing and striking,	10	75
" " J. W. & W. G. Albright, for iron and steel.	15	40
" " B. Vanorsdall for 3 weeks boarding C. McGary,	7	50
" " " for hauling 25 perch of stone, at 62,	15	62
" " " for hauling 30 perch of stone, at 37,	11	25
" " Wm. Knotts for hauling 126 perch of stone, at 25,	31	50
" " Jacob Sherman for 315 bushels coal,	25	20

April 9, J. Sherman for 150 bushels coal,	15	00
" " D. R. Cooke for iron and steel for locks, &c.,	24	46
" " Wm. Wilson for hauling 65 perch dimension stone,	130	00
" " do for hauling 160 perch common stone,	52	50
" 28, D. McConn for hauling 40 perch stone, 75,	30	00
" " do for hauling 140 perch stone, 38	52	50
" " B. Vanorsdall, for building addition to house,	26	00
" " L. W. Babbit for ten cell door locks, 6,18,	61	87
June 28, H. Woodforke for 7 days work and board,	15	75
" " Jason Wilson for 612 feet plank, 1,60,	9	80
	$702	22

The following certificates are issued by authority of the same act, above referred to, for the support of the convicts, &c., to wit:

April 28, Wm. Anderson for 5 3-5th months guarding pris'rs,	$196	00
" " Levi Hubble for guarding prisoners 29 1-3 days,	19	56
" " John Watters for do do 58 days,	39	16
" " Wm. Anderson for guarding prisoners 40 days,	47	00
" " James Wilson & Co. for clothing &c., for prisoners,	120	05
" " D. McConn for cash spent in pursuing convicts,	21	00
" " John Watters for 31 days services as guard,	20	20
" " E. Ford for hauling wood five days for prisoners,	10	00
" " Peter Miller for materials for convicts, 1840,	67	07
" " do do for do for do 1841,	60	28
" " John Pourts for one month guarding convicts,	20	00
" " do do for 1¼ do do do	25	00
" " do do do 10 days do do	6	66
" " do do do for boarding self and L Aulphe,	36	00
" " Wm. Anderson for two months and four days guard,	74	66
" " John Claypoole for 9 months services as Director,	375	00
" " do do do 3 months services as Director,	62	50
" " B. W. Gillcok for apprehending and returning three convicts to Penitentiary,	200	00
	$1400	14
July, 9, Certificate to Wells & Wilson,	7100	00
	$8500	14

3d Quarterly Settlement, July 9th 1841.

The following certificates are issued for the purpose of finishing cell doors and hauling stone, to-wit:

Aug. 1st, 1841, A. Henderson for hauling stone two days,	$4	00
Sept. 11th, Thomas Hale for two gallons oil,	4	00
" " John Watters for boarding C. McGay two ¼ weeks	5	00
Aug. 1st do do do G. Shroop 4 weeks,	9	50
	$22	50

The following have been issued for the support of convicts, &c, to-wit:

Aug. 1st, 1841, A. Henderson for materials as per bill,	$65	82
Wm. Anderson for half month's services,	20	83

Sept. 11,	John Watters for eighteen weeks boarding G Shroop,	42 75
	Bell, Sapp & Co for materials &c. as per bill,	8 75
	Thomas Hale for horse hire for pursuing prisoners,	16 75
	do do bill materials for prisoners,	16 18
	Wm. Anderson for boarding prisoners and guards, '40,	168 00
	do do for making and washing in '40,	46 47
	Minton & Basset for four thousand boards for roof,	30 00
	D. Wellington for work &c. as per bill,	24 50
	Stewart & Brown for materials for prisoners,	30 80
	George Vanbushkirke for guarding prisoners,	7 50
	S. S. White for lot of plank &c.	34 75
	Walker & Hopkins for bill of materials,	10 94

Fourth quarterly settlement, October 9th '41, $523 84

The following are issued for the purpose of finishing cell doors &c.

Oct. 25, 1841,	Amos Perry for hauling 6 perch door stone,	$ 9 00
	Geo. Vanbushkirke for ten and a half days smith-work,	18 38
	Geo. Shroop for twenty-three days blowing and striking,	20 00
	Geo. Vanbushkirke for smith-work and board,	45 50
		$92 88

The following are issued for the support of convicts &c , to-wit:

Oct. 25th,	George Kiel for one stove for use of convicts,	$10 00
	John Jinkens for guarding prisoners,	16 62
	Stewart & Brown for materials as per bill,	11 65
	A. L. Deming for 38 yards shirting at twenty cts.,	7 60
	Geo. Shroop for 4¼ months moulding brick &c,	183 77
	John Jinkins for twelve and half days guarding prisoners.	6 37
	A. Ladd for lot of lumber for roof and brick,	70 38
Nov. 20,	Wm. Augabright for 4*h* months guarding prisoners,	88 75
	do do for 16*h* days do do	11 25
	J. W. & W. G. Albright for materials as per bill,	11 00
	William Anderson for boarding, washing, &c.	109 42
	do do boarding guards, coopers &c.	118 00
	Wilson, Perry, & Co. for materials as per bill,	8 35
	Peter Miller for materials as per bill,	22 70
	McHery & Anderson for building chimney &c.	10 75
Dec. 1st,	Luke Alphin for guarding prisoners from April 19th to 1st Nov. 1841, at $20 per month,	134 00
	Wm. Anderson for boarding convicts,	391 20
	J. Jinkens for twenty-two days guarding,	11 00
	do twelve do do	6 00
	John Watters for 8*h* weeks board of self,	17 00
	do do for one month's services,	20 00
	do do twenty-six days do	17 33
	J. W. & W. G. Allbright for bill materials,	24 70
	D. McConn do do do	71 18
	Wm. Anderson for one pair of oxen,	50 00

H. M. Salmon for ten cords wood,	15 00
	$1537 90

I have paid off and cancelled the following certificates out of the proceeds of the sale of materials manufactured by the convicts and labor as follows, to-wit:

Certificate No. 186, to George Shroop,	$183 77
do do 200, to Wm. Anderson,	391 20
do do 194. to do do	118 00
do do 189, to Amos Ladd,	70 38
do do 176, to Minton & Basset,	30 00
do do 196, to P. Miller,	22 70
do do 178, to Stewart & Browne,	30 80
do do 177 to D. Wellington,	24 50
do do 180, to S. S. White,	34 75
do do 205, to John Watters,	20 00
do do 209, to William Anderson,	50 00
do do 210, George Vanbushkirk,	6 00
do do 211, Wm. Anderson,	8 00
do do 212, George Vanbushkirke,	21 00
do H. M. Salmon,	15 00
do Wm. Anderson,	109 42
	$1135 52

I have charged myself with a flat-boat, some ropes, accounts, and some rough stone disposed of to the amount of some $3,00, together with the rent of houses, when collected will more than balance my account as Superintendent for the year. Respectfully, &c.,

A. LADD, *Superintendent.*

FORT MADISON, Dec. 1st, 1841.

REPORT

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION FOR IOWA TERRITORY, Iowa City, Dec. 20th, 1841.

To the Honorable Legislature of the Territory of Iowa:

The act of the Legislature of 1840–41, creating the office of Superintendent of Public Instruction, makes it the duty of that officer to submit to the Legislature an annual report exhibiting the condition of the primary School Funds; also of the primary Schools, and all such matters relating to his office and the Public Schools as he may think proper to communicate. In

accordance with the requirements of that act, I have the honor to submit to you this, my first report, and I trust I may be allowed to hope that the fact that it *is* the first, will be deemed a sufficient apology for the little I have to report.

The duties of this office under the act alluded to, taken in connection with that of 1839–40, establishing a system of Common Schools, are various and in their bearing very important. One of the most striking features of the former is its making it the duty of the Superintendent to use every exertion to effect an immediate organization of the primary school system in accordance with the laws of the Territory.

The act establishing a system of Common Schools, contemplates a fund as the basis of its final operations, and was, for wise purposes, passed in anticipation of realizing such a fund at no very distant day. The subject has thus very judiciously been brought before the people for their consideration and approval, and a year suffered to pass away without any attempt, on the part of the Legislature, to carry it into effect. That body, at their last annual session, actuated by the most laudable motives—feeling deeply the importance of education, and in a community growing as rapidly as ours is, of commencing early in a systematic manner—wisely resolved that with the first organization of townships should commence also, the organization of School Districts. Hence the "act creating the office of Superintendent, &c.

At the time I was honored with the commission for that office, I was in a great degree a stranger to the peculiarities of a Territorial government. Possessing an ardent zeal for the furtherance of a favorite cause, I fondly anticipated much—I soon found, too much. My original intention was to have visited the several counties in the Territory, and by public lecturing, &c., endeavor to call the attention of the public to the importance of united and systematic action. Several objections, however, soon presented themselves. No organization of townships had as yet taken place—there were no school inspectors—no school districts. The "act to provide for the organization of townships," in the 8th section, provides for the election of certain township officers, but not for inspectors of schools; this requisition being made in the 23d section of the school act of 1839–40; an act which I have found was at that time not generally known; and I have learned that in several cases attempts were made to organize under the act of 1838–39, that being the one supposed to be in force. The clerks of the several districts being governed by the "act for the organization of townships," and not having noticed the requisition for school inspectors in the 23d section of the "act establishing a system of common schools," omitted, in their notices to the townships to hold their township meetings, to name school inspectors in their lists of officers. This omission was not noticed by me until too late to rectify it to any great extent. On pointing out the omission to the clerk of Des Moines county, he caused the necessary corrections to be made in the Burlington papers, and the editors of those papers called the attention of the public to the matter in their editorial departments. It followed, as a matter of course, that, acting under the organization law, in a majority of cases, there was no election of school inspectors, and consequently no school districts were formed.

Under all the circumstances, I doubted the policy of making the intended tour, and sought the counsel of those better acquainted with the Territory

than myself. Among those consulted was his Excellency Governor Lucas then the Executive. I had the satisfaction to find that he fully coincided with me in opinion as to the impolicy of travelling until, by an attempt at district organization, the effects of the system might be noticed, the system itself become known, and the community prepared for action. That the best service I could render the public during the first year, and the most effectual way to carry into effective operation the primary school system in accordance with the law, would be to direct the attention of the proper officers to the subject—give the necessary instructions—disseminate such information as the circumstances of the case might render expedient and necessary—watch the various operations—ascertain the feelings and wishes of the community respecting the law itself as a whole or in part—to collect all such information relating to the subject as might be considered interesting and useful—and finally, from the information obtained, form a plan of operations under the system, either in its present, or in an amended form, that we might be prepared to act in a systematic manner without being subject to continued alterations. I have since conferred with the present Executive, and had the satisfaction to find that he too approved of the plan adopted.

My first official act was to issue a circular to the several district clerks. (a copy of which accompanies this communication.) It will be seen that their attention was directed, in a particular manner, to those sections of the school law which referred to their official duties, and that they were called on to make their reports in accordance with the requisitions of that act. These reports should have been made before the 20th November last. I regret, however, that but three counties have reported, and that these are not as full as desirable. It is exceedingly to be regretted that any citizen of our proud Territory should feel anything like indifference to the interests of our schools—to education. That he should imagine he has no interest to secure—no influence he can exert—no information he can give—no duty to perform or talent he can improve in this all important cause, for which he is accountable both to his country and to his God. But it is still more to be regretted that the objects of a wholesome provision should by any means be retarded or defeated by the neglect of a well defined and important duty, imperative on those to whom the people have committed such a trust.

The excuse, in several cases, however, for this neglect, is as follows:—Some counties have not adopted the township organization, and in those that have adopted it, the school inspectors (even where they have been elected,) have not divided their townships into school districts; and in others where this has been done, the proper steps for their organization has not been taken. Finally, the district officers, from a want of proper means of knowing the law and appreciating its objects, neglected to make their reports, upon which all the others are designed to be founded.

Notwithstanding there has been so little reported from official sources, I have not neglected to inform myself on matters of general interest from other respectable sources, in each county in the Territory. And, although from the above remarks, rather an unfavorable impression might be gathered, I am happy to be able to state that the result of my investigations has been of a cheering and encouraging nature. The interest taken in schools and the school law, almost universally, and the fact that the interest is daily increasing, cannot fail to be highly gratifying to every person who is anxiously

looking forward to the time when we shall have a good "system of public instruction," and the funds to enable us to carry it into effect. The flood of emigrants that is so rapidly settling our Territory, seems to bring with it the right spirit, and there are very few neighborhoods where there are a dozen or twenty children that can be collected, in which there is not a school, and if it is not of the best kind it is the best they can get, and consequently creditable to them.

The three counties which have reported are Clayton, Lee and Des Moines. To the first of these (Clayton) I can do no better justice than to give the substance of the official communication; it is as follows: "The county of Clayton is in its infancy. No township organization has been made—no school inspectors elected, or any other legal steps taken to forward the cause of education. There have been schools taught in two places only, neither of which have reported. I can, therefore, say nothing of their character.—The "low ebb" of schools is not, however, to be attributed to any disregard which is felt by the population on that important subject, but to the nature of circumstances which can only be controlled by time. The county is settled only in small detached neighborhoods, most of which have too few children to form or support schools, and in most cases the distance between settlements is such as to prevent their uniting for mutual support. The county, however, is fast settling and the interest for schools increasing." I would observe here that the above communication contains the substance of what may be said of all the new counties where there has been no organization of townships.

Des Moines. This county has nine townships, viz: Burlington, Union, Augusta, Flint Run, Danville, Benton, Franklin, Pleasant Grove, and Yellow Spring, all of which have organized except Union. Those organized, except Benton, have elected school inspectors, but none of them have made a report of their doings. This is a matter of some surprise to me, for being personally acquainted in that county, I am convinced that materials are not wanting for furnishing reports both creditable and interesting. There are several good schools in that county, and they are liberally supported. The city of Burlington has seven schools; one in which the higher branches of an English education and the Classics are taught, and another devoted to the education of young ladies.

Lee county has thirteen townships, only four of which have reported.—There are Denmark, West Point, Washington and Van Buren. These townships have been divided into districts, most of which appear to have organized and are acting under the law, and in Denmark, Washington and Van Buren the prospects appear very flattering. Taxes have been voted in several instances, as the reports will show. They are as follows, viz:

Denmark township has five school districts.

District No. 1, Has forty-five persons between the ages of 5 and 21 years.
do do " Voted to have a school four months during the summer and three during the winter.
do do " Voted a tax of $103,21, $90,00 of which is for the support of schools, the balance for library purposes.

Districts No. 2 and 3, No reports.

District No. 4, Has sixty persons between the ages of 5 and 21 years.

do do " Voted to raise a tax of $70,00 dollars to defray the expense of building a school-house, and $5,00 for library purposes.

District No. 5, Has twenty-six persons between the ages of 5 and 21 years and no further report.

Washington Township has nine school districts.

Nos. 4, 5 and 9 only have reported.

District No, 4, Has seventeen persons between the ages of 5 and 21 years.

District No. 5, has twenty-six persons between the ages of 5 and 21 years.

do do " had a school three months.

do do " raised $18 for support of school.

District No. 9, Has eighteen persons between the ages of 5 and 21 years.

do do " has kept a school three months.

do do " has raised $15 for support of schools and $5 for library purposes.

Van Buren township has eight school districts, only two of which have reported.

District No. 1, Has twenty-one persons between the ages of 5 and 21 years.

do do " has had a school seven weeks and twenty-four scholars attended.

District No. 8, Has twenty-four persons between the ages of 5 and 21 years.

West Point township has four school districts. None have reported.

Although there has been no official report from Van Buren county, the townships have orgainzed. Several have elected school inspectors and the townships are divided into districts, many of which have organized and are acting successfully under the law. The consequence of which, as may be supposed, is that the schools are improved and the interest in them increased.

In Louisa county the townships have organized and there are several organized districts, some acting under the law, have, I am informed, reported to the Clerk of the Court, who not having reported to this office, I can only speak from personal observation of the schools. There have been several taught in the county during the past summer—some very good—and there are several in operation this winter. There appears no want of zeal. Want of school-houses and teachers, and the scattered situation of the inhabitants pleads excuse. The county is settling very fast.

Our larger towns, Bloomington, Dubuque, Mount Pleasant, Fort Madison and Iowa City are all very creditably supplied with schools. In the latter there are four schools. One just commencing operations under my own superintendence is designed to be a permanent institution, and to afford to youth of both sexes, every facility for acquiring all the branches of an academic education; and as far as opportunity offers, it will be made useful to those who may wish to qualify themselves to teach. One of the other schools is devoted mostly to the interests of female education, and the others are common schools.

There are within my knowledge many cases where townships have organized, inspectors have been cosen and districts formed and organized where the directors have made no returns. The difficulty, and in many cases, the impossibility of procuring a copy of the law, and even when it is obtained, of understanding it, forms the principle excuse, so for as I am informed, for the neglect. It is certainly true that the language of our statute books is more difficult to be understood by ordinary readers than any other; perhaps because

hey are less read. It would appear to be desirable that an act designed for o popular use should be presented in as popular language as the nature of he case will admit. No serious objections seem to be made to the act itself arther than "it is so hard to be understood;" this complaint is very general. This difficulty may be overcome by publishing the school act in pamphlet form accompanied with explanations and directions on those parts that are at his time practicable; and this is what appears to be wished for and expected y the people.

No doubt there are some features in the act which it might be well to alter, nd which will eventually be altered; but as the time, in all probability, is ot far distant when we shall become an independent State, and consequent- y be able to provide other and more effective means for carrying a system nto operation, and have even those means to Legislate about, and as the pro- isions of the existing act are sufficient for all present purposes, if put within he reach and understanding of the people; it may be more advisable to let it emain in its present form, than to subject ourselves to so frequent a change n our operations; a fault which, in the older States, has been attended with he most discouraging consequences.

I would, therefore. respectfully suggest the propriety of having published, nder the direction of this office, such a number of copies of the "act to es- blish a system of common schools," and the "act creating the office of Su- erintendent of Public Instruction," and blank forms for returns, &c, accom- anied with such explanations and instructions as are necessary for their per- ct understanding, as may be thought sufficient to supply all reasonable emands for at least one or two years. These may be forwarded to the Clerks f the District Courts, whose duty it may be made to apply for such number s may be needed in their respective counties, and when received by them, istributed to the township Clerks, and by them to the school district clerks. his will open a direct communication between all the officers concerned in e system, and serve to put it in motion.

It is proper here for me to observe that the office of Superintendent is no ominal one. The law itself requires of him the discharge of important du- es; the title would seem to demand of him others—and the wants of com- unity do actually demand *many* others. There is no officer whose whole me and talents could be so profitably spent and exerted in the service of such n unparallelled growing Territory as this. To render himself generally seful, he must devote at least one half of the coming year to travelling thro' e Territory. He must visit, not the larger and county towns only, but he ust take such steps as will make his influence felt in every neighborhood the Territory. This cannot be done without incurring considerable ex- ense. What measures shall be taken, I respectfully submit to the wisdom your honorable body with the full conviction that you will. under all the rcumstances suggest the proper course and means.

The astonishing rapidity with which our Territory is being settled by em- rants from every part of the Union, seem to call on our Legislative body r earlier and more efficient action than has ever been made by any other ate or Territory. Legislation in anticipation can hardly be avoided; we e hastening from infancy to maturity with such rapidity that we are forced keep a vigilant eye to the future, and the education of our youth is one o ose matters [illegible] which we cannot be too vigilant, nor begin too early to

make provisions—to devise the ways and means. We boast of being an intelligent people; let us manifest our intelligence by the wisdom, the energy and liberality with which we provide for the intellectual training of the rising generation. There is much—may I not say every thing—to do except it be to undo errors? We are just beginning to act. Let us act worthy of ourselves, and aim at nothing short of a system of education that shall be public, not in name only, but one that shall be public in the full sense of the word; one that shall render our schools free the year round to every child in the Territory, and let us see to it that the schools are good ones.

No one will, it is presumed, feel at all inclined to question the right of every child to an education. It ought to rank among "the natural and inalienable rights of man." Children are not capable of taking care of, and providing for themselves; they have, therefore, a claim on others for everything which is necessary for their comfortable support. They will, when arrived at a properly matured age, be expected to perform certain duties, not only to themselves and their families, but to society and to God; all of which may have an important bearing upon society, and which they cannot discharge in a proper manner without a proper developement of their physical, intellectual and moral powers. Hence their claims to an education. And though the claims of children are first on their parents, as their natural guardians, yet in case of the failure of parents, from inability, carelessness, or otherwise, their claims on society will be equally strong, though by no means to the same extent. Children have claims upon their parents according to *their* means and their *own* capabilities. Their claims upon society extend no further than to the acquisition of such a degree of training as will enable them to take care of themselves, and pursue, with advantage their *own* education. The parent whose circumstances are such as to enable him to carry the education of his child beyond an elementary training, is bound to do it, nor is he justifiable in neglecting the full developement of the physical, intellectual and moral faculties of his child for the sake of laying up for it wealth. Society is bound to do no more than to give it such an education as will prevent its becoming a burden to others, and that shall fit it for the performance of those relative duties for which it is held accountable to that society. This is the least amount of education for which society is bound. But let us bear in mind that just in proportion as this standard is exceeded by the munificence of society, will the intellectual and moral state of that society be elevated.

To enter into a formal discussion of these points is deemed as unnecessary, as out of place. It is presumed they are assented to by every person who has reflected much on the subject. All! all, admit the importance, yea, the indispensible necessity of education. Its praise is sung by young and old, rich and poor. Were a foreigner to judge of our American schools and school systems, by the importance we attach to them, and to education, generally, as manifested by our professions as a people, he would be led to conclude that our nation formed one great society for their promotion, and that every citizen was an active member, ready with heart, hand and purse to advance the common cause. However honest may be our professions, practically we admit that education is one of those items in our policy that may on occasion, be dispensed with with impunity.

It is certainly very natural to conclude that the education of our youth is

one of those interests that may be left, with all safety, to take care of itself. Facts, however, show the fallacy of such a conclusion, aud facts are stubborn things. From the nature of the case, one would suppose it as necessary to pass a law obliging parents to furnish food and clothing to prevent their children from starving and freezing, as to provide by law for the cultivation of their minds. But what does experience tell us? Does it not tell us that it is just one of those things about which parents are particularly careless, if not even indifferent? Go throughout our beloved country; this boasted land of enlightened freemen; and does it not tell us that the education of our youth is treated as a matter of secondary importance when it impedes the progress in the way to wealth? Now this is considered as a matter of such supreme importance to society—to the State—one so precious in its nature, and one so liable to be neglected, that legislators find it necessary to devise plans for effecting that, by law, which fathers and mothers ought to feel bound by every tie of parental affection and care to have done voluntarily. From these premices arises the great and important question in the minds of Legislators. What means can be devised to induce all parents to send their children to school? To effect this great object, various means have been adopted. Is it not strange, and to us Americans, rather a humiliating fact, that one Government only, and that a Monarchy, has devised the means of doing this?—Strange, it is, but equally true, that in Prussia every subject is not only obliged to contribute to the support of the public schools, according to his means, but he is obliged to participate in their benefits by sending his children to school at least seven years. "No excuse, whatever, is admitted short of physical inability or absolute idiocy. Well may we look on such an exercise of absolute power with wonder; and who does not contemplate it with admiration?

It were useless to say that coersive measures like those resorted to in Prussia, would, to say the least, be inexpedient and unnecessary in our country. But surely our Governments ought, by all means, to devise such plans in reference to this all important question, as to raise their citizens, in point of intellectual and moral acquirements, above the level of the subjects of a despot. Our kindness in providing for the education of our children, should not be surpassed by that of a master to his servants.

Every state in our Union, where schools are in any way supported by law, has, in an indirect manner, had recourse to coersive means. It would be impossible to pursue a system without so doing. It is true, this authority is disguised in the various ways of taxation, but this does not alter the case.—It is, so far, coersion, and so far the right is conceded to our Legislatures, and this is as it should be. In every country the Government is considered in the light of a parent to that country. Now if this be true in any country, how eminently is it so in our own! Then certainly it is the unquestionable duty, not only of the General, but also of each of the State Governments, to provide for the well being of society, for its own existence, safety and healthy operations.

Society may be in two conditions, either of which would render its government easy. It may be well informed, or it may be very ignorant. In the former case, the people are capable of governing themselves. In the latter they become the willing dupes and slaves of despots. The most dangerous state, undoubtedly, is the transition from one of these to the other. We

boast of being the only nation which has passed this ordeal. But have we no reason to fear that we have not altogether escaped its limits? It requires neither the spirit of prophecy nor the wisdom of a sage to discern that our destiny depends mainly upon the character of our schools. The schoolmaster must understand his duty and he must perform it.

From the very nature of our Government, every man should have such an education as to fit him to bear a part in its management; and "he should have moral and political honesty enough to make a right use of it." In theory, every citizen is a Legislator; let, then, practice see to it that our citizens are fitted for their duty. In our country the will of the people is the law of the land. They declare that will through the medium of the ballot box. The poor man's vote counts as much as the rich man's—the most ignorant or vicious, as much as the wisest and most virtuous. In some of the States a certain amount of property is made a qualification for voting. With how much greater propriety might a proper degree of knowledge be required?

It argues but little that "we have" good systems of education—that we excel other nations in point of intelligence. There are many reasons other than those already enumerated, why we should make better provisions for the education of our children than any other nation under Heaven—and why, as a nation, we should be far more intelligent, far more virtuous, and far more religious than we are.

There is not a State in the Union that can make anything like a reasonable apology for the little it has done for education—for the support of its schools—for its comparative want of intellectual and moral worth. There is not a State in which the schools are absolutely free to all the children. In some States the schools are free for a short time during each year, and several of them have increasing school funds and are evidently aiming at the right mark, viz: to make the schools eventually free to every child the year round. To effect this great and benevolent object at once, requires only that the people be made rightly to understand the subject, that they may be convinced how infinitely it would be to their interest, not only in a moral, but in a pecuniary point of view. Why are those Statates, where Legislative care is most exercised, so ready, every few years, to increase their taxes for the support of schools? Is it not because experience has taught them more and more the benefits of the free school system?

Let such a system be adopted to its full extent in any one of our States, or in our Territory, and a properly educated teacher placed at the head of every school, and let the whole of the present rising generation be thoroughly educated under it, and who among us could be made to believe that it would ever after be laid aside for any other system? It is generally admitted that to prevent crime is much easier than to cure it. That such a system would do much to prevent it, is certain. That it would save many a dollar now expended in visiting amusements, at the same time that it would add to our fireside enjoyments by rendering them intellectual, and that it would elevate the standard of moral and religious excellence, thereby rendering society happier and our institutions more permanent, "is as clear as though it were written with a sun-beam on the margin of the heavens." No one doubts it.

In order to have good systems of education, some thing more is necessary than the mere enacting of laws. Here is a stream that to flow on in its course unobstructed, must emanate from the proper fountain. That fountain is the

will of the people; if they will to have good schools, their wills must be obeyed; they will have them. Their Representatives dare not disobey the call. Good systems *will* be devised, and they will be carried into effective operation. But if the people are indifferent—if they repudiate Legislative action—if they refuse the necessary aid, and throw abstracts in the way, Legislators dare not act, and even if they do it, it is worse than useless formality. No system of education can ever be useful without a hearty co-operation of the people with those whose duty it is made, by law, to carry it into effect, and these officers must co-operate with each other. And it should ever be borne in mind that no school district can continue a good school, for any length of time, where the inhabitants do not act systematically. Every cause that requires public action, requires organization—system. We spare no pains, or money, (I probably might say) to organize our various political and religious parties—to act systematically, shall we value our schools—those nurseries of free politicians, and of christians *less* than those? Certainly not.

Schools must cost money, and if we would have good schools, the money must some where be raised for their support. Our American citizens do not in general, pay grudgingly their school bills, but there seems every where to exist a natural repugnance to taxation. It is true, I believe, that they will pay five dollars in any other shape rather than one by tax. Perhaps we inherit this dislike to taxation from our forefathers. But let it not be forgotten that taxation, by our own consent, does not lessen our freedom; nor will the amount paid for schools, even were they altogether supported by direct taxation, (a course I have no disposition, at present at least, to advocate) make us a whit the poorer. It would be but putting our money out of our hands into our pockets for safer keeping.

The enquiry is already being made as to the best means of creating a permanent SCHOOL FUND. Although we are not at present prepared to act on this subject, in a Legislating capacity, we are, it is presumed, all prepared to think about it. I would, therefore, respectfully submit the following outline of a plan for consideration.

There are, within the present surveyed limits of the Territory, about 320 sections, called 16th sections, which will come into our possession on our admittance into the Union. Each of these sections containing 640 acres; the whole number of acres is 204,800. If from this we deduct one fourth as waste land, we shall have remaining 153,600 acres, which we may reasonably suppose to be of a superior quality, and long credit being given, would be worth, at a moderate calculation, $5 per acre. There would be no good reason for forcing this land into market; it may be sold as discretion may require. Let a minimum price be fixed, I should think, as high as $5 per acre, and the terms of payment as follows, viz: One fourth in hand, the remaining three fourths to be divided into four equal installments; one fourth of which shall become due in five, the second in ten, the third in fifteen and the fourth in twenty years; the interest on the whole to be paid annually, and the whole secured by bond and mortgage.

The 153,600 acres at $5 per acre, would amount to $768,000, the interest of which, at six per cent, will be $46,080 per annum, at ten per cent $76,800 per annum. The first of these rates, which is probably enough, would be a very handsome income of itself, and I have no reason to think it over-rated.

To this, however, may be added the two per cent on the sale of public lands fines for penal offences and escheats, exemption from military duty, &c.

Moneys arising from breach of the penal laws, exemptions from militar duty, &c. I have not ascertained the disposition made of these funds. The have never, so far as I am informed, been devoted to the purpose designe by the law. I shall make it a matter of early investigation, and as far as pos sible, correction. I am inclined to think some legislation is necessary here

Much might be said on the subject of school-houses, school teachers, libra ries, &c,; but in our present situation, nothing definite can, as I concieve, b done.

Would it not be advisable to annex to the school act, when printed, tw or more plans and discriptions of school-houses? It would be likely to in sure the erection of convenient houses. Be the workmanship ever so chea or coarse, arrangement is of vast importance.

It is to be regretted that our situation is such that good teachers are so har to be found, and when found, that we are so often unable to pay them accor ding to their merit. If our Honorable legislature could do something towar remedying this deficiency, which is a growing one, it would be worth mor than all they can do at the present time for the promotion of higher semina ries of learning. No one can attach more importance to academies, college and universities than myself. We shall need them, and must, eventually have them. But our common schools are now of infinite importance. It i here our citizens are to be made. If our young men and women could b made to view the matter in its proper light, and set about the work of self improvement in good earnest, and qualifying themselves for theaching wit becoming ardor, probably they might do more for the cause than we can, a present, look for from any other source.

WM. REYNOLDS,
Superintendent of Public Instruction

REPORT

OF THE WARDEN OF THE PENITENTIARY.

ohn Claypoole, Director of the Iowa Penitentiary:

SIR—In compliance with the 2d section of an act of the Legislative Assembly of the Territory of Iowa, approved January 15, 1841, I herewith resent the following report:

On the 15th of January last, the date of my appointment as Warden of the enitentiary of Iowa, I had in charge five convicts. I also received two on e 15th of March, and one on the 6th of May, who was pardoned by the overnor on the 29th of the same month. I also received one on the 6th of une, and one escaped on the 22d. I discharged one on the 16th of July, nd one on the 16th of August, they having served out their time; and one as reprieved by the Governor on the 20th of October. The above is all e convicts that have been committed to my charge since my appointment s Warden; and the convicts thus under my control have been employed as llows, to-wit:

From the 15th of January to the 5th of April, they were employed cutting ood, getting out cooper's stuff, and clearing and fencing a large garden on e penitentiary ground.

For the use of garden, &c., I have been charged, by consent of Superintendent, with	$44 50
Also by 30 days work of convicts at 75,	22 50
Also for smith's-work, coopering, &c., to the amount of	14 50
Work for Gay, Wells & Co.,	13 87
do for B. W. Gillock making fence,	7 50
do for John A. Drake,	15 00
do for do do	21 37
do for John Deloplain,	3 50
do for J. C. Walker and others,	11 25
pril 14, 1841, work for corporation on wharf,	29 75
Work for R. A. Russell,	9 75
	193 49

The following amounts have been realized from the sale of articles manufactured by the convicrs, to-wit:

From	D. McConn for brick, &c.,	$56 33
do	P. Miller for brick, lime, &c.,	54 60
do	D. Wellington for brick and lime,	51 65
do	J. Claypoole for smith-work,	5 82
do	J. S. Waugh for smith-work,	4 00
do	Wm. Augabright for labor and smith-work,	4 50

From	L. Alphin for labor and smith-work,	$ 4 7
do	J. Knapp for lime,	2 0
do	S. A. Walker for brick,	8
do	H. W. Hughes for brick, &c.,	1 0
do	J. C. Walk for smith-work,	3
do	A. B. Simms for brick,	6 4
do	A. Scott for smith-work,	8
do	G. A. Walker for brick, &c.,	6 9
do	J. C. Morehead for brick,	14 0
do	J. Webster for two well buckets,	3 0
do	C. Coats for smith-work,	8 0
do	S S. White do	6 0
do	H. Taylor for two well buckets, &c.,	3 7
do	H. Mitchell for smith-work,	1
do	S. B. Ayres do	4 3
do	J. W. & W. G. Albright, for brick and lime,	16 0
do	J. Caroll for smith-work,	16 7
do	George Bery do	2 5
do	Houston for brick and lime,	5 0
do	J. B. Rose for coopering,	2
do	Stewart & Browne for work in board yard,	3 0
do	H. Clark for one well bucket,	1 5
do	Wilson, Perry, & Co. for 66 barrels at 1,25	80 0
do	H. Darly for smith-work,	2 8
do	A. Doolittle for do	3 8
do	A. Anderson for do	2 5
do	Fitzpatrick & Dorsey for brick and smith-work,	15 0
do	E. Ford for smith-work,	2 6
do	Mr. Lewis for do	2 2
do	A. Ladd for brick and lime,	247 8
do	George Kiel do do	165 0
do	Thos. Halse for smith-work,	4 0
do	A. Henderson for smith-work, brick, &c.,	14 8
do	H. Denyman for one well bucket,	1 5
do	B. Vanorsdall for smith-work,	27 7
do	J. Sawyer for do	4 1
do	John Wilson for do	1 2
do	J. McAlhany for do	50
do	J. G. Boncray for brick and lime,	8 0
do	Wm. Knapp for lime,	1 1
do	Stranger for lime,	1 0
do	J. G. Chapman for brick and bucket,	2 0
do	J. Oniel for lime,	1 0
do	Mr. Morgan for brick,	8 0
do	S. C. Toop for one bucket,	1 5
do	J. Helman for smith-work.	25
do	Mr. Thornhell for smith-work,	88
do	Stranger and traveller for smith-work,	31
do	B. Graham for smith-work,	1 5
do	H. J. Woodforke for brick,	1

From	Walker & Hopkins for three well buckets,	$ 4 25
do	J. Stephenson for brick,	6 00
do	S. Robinson for smith-work,	38
do	H. Ray for do	25
do	Doct. Farnsworth for smith-work,	1 25
do	J. Cutler for do	50
do	A. L. Deming for six well buckets,	8 50
do	Wm. N. Shaw for lime,	13
do	H. J. Holtzerman for smith-work,	25
do	J. Bricke for brick,	2 00
do	J. Dellard for smith-work,	75
do	R. Fohy do	13
do	Mr. Lowe do	75
do	Mr. Cowen do	63
do	S, Cochran for smith-work and brick,	6 76
For odd ox sold to J. Allin,		20 00
		$1133 03

The above amount is all that has been received from the labor of the convicts. The balance of work performed by the convicts is as follows:

Work on garden and getting out cooper's stuff, about two hundred dollars. Work on Penitentiary, covering in and fitting up shops and dressing up cooper's stuff, about two hundred. Amount of brick on hand, fifty dollars worth. Amount of cooper's stuff on hand, about four hundred dollars worth. Making in all, about two thousand dollars. And the whole amount of days work performed by the convicts since the 15th of January last, is fourteen hundred and twenty-three days.

The expenses of guarding, clothing and boarding of the convicts, amounts to about $1150 since the 15th of January 1841, and the amount of pay to brick moulder, about $250. I then purchased a pair of oxen and stove, the cost of which is included in the expenses for the year.

Respectfully,
WM. ANDERSON,
Warden of Iowa Penitentiary.

REPORT

OF THE COMMITTEE ON COMMON SCHOOLS.

Your committee, in submitting a report on this subject, conceive it unnecessary and out of place at present to offer any arguments in favor of a well organized system of Public Instruction, being fully sensible that it is almost universally admitted by the citizens of every portion of our Union that the dissemination of knowledge, among every class of people, in a Government

instituted and conducted like ours, is indispensible to its well being and perpetuity. To neglect the mental culture of the succeeding generations, from time to time, would eventuate in a neglect and decay of our liberal institutions. This your committee would not for a moment believe could be intentionally done by any one, but might be led into it by a mistaken policy. This, we believe, has been the case with most of the new States, and in consequence of which they now present a most lamentable low degree in the scale of mental culture. Iowa should improve by the lights afforded her by the States, as well on the subject of education as on other important policy. We observe those States with but few benefits resulting from their present systems of education. And why is this so? It cannot be on account of a want of pecuniary means, because we know they have such means; but must be for the want of a proper law regulatiug its application, or the application of any funds which they may voluntarily raise from among themselves, in any particular district, and wish to apply to that object. It is necessary, for the proper advancement of education, that there should be laws prescribing the manner money shall be raised and how applied. Under such a system, with a competent Superintendent giving his constant attention to the subject, keeping the importance of education before the people, and stimulating them to organization, at no very distant day, with no other means than individual resources and the funds, in certain cases, which the law now provides for the purchase of libraries in School Districts where organization may have taken place, we may be able to present to the world the most perfect system of education in the United States.

Your committee are of the opinion that the failure, in the new States, in the organization of a proper system of Common Schools, is attributable more to a want of interest and a mistaken view of the policy necessary to be adopted to ensure the advancement of the cause of education, than any want of a school fund. These States have pursued the policy of husbanding their means, contending they are too new and too sparsely settled to commence a system of education; some of them have even neglected to enact but the most imperfect laws for the regulation of their schools. This excuse of being too new to commence a system of education has had the effect to discourage those who would otherwise have used the most active and laudable efforts in favor of its advancement. And thus we see them, after enjoying the advantages of a State Government for twenty or thirty years, presenting the unfortunate condition, at this time, of being almost destitute of any organized system of education, and exhibiting an aspect on which no hope can be reasonably founded to justify the expectation that soon their condition will be much improved.

This state of things should be avoided by Iowa if possible. And your committee are of the opinion that it cannot be more effectually done than by a maintenance and perseverance in the system we have already commenced. To make a change in our system at present, indicative of an inability to progress in our undertaking, would produce an effect much to be regretted by all who are friendly to the cause of education. It would discourage all those who have been flattered with the hope of soon realizing the benefits of a good system of schools, and would react and throw us back further than if we had never enacted one section of law on the subject, and go far to confirm the erronious, but tpo frequent opinion, that we cannot have a regularly organized

system of schools from which benefits can be derived by the people without having a large school fund at the control of the State or Territory.

There can be nothing more at variance with reason and common sense than such an opinion; because under the present school law, a majority of the legal voters of any school district, at their annual meetings, may impose a tax on themselves for the support of a school. And there have but a few instances came under the observation of your committee, where it has been attempted without success. And how much less frequent would be the failures, were we by our Legislative acts, to give constant encouragement to their efforts.

In order to do this, your committee think it highly important to continue the office of Superintendent of Public Instruction, and give it every encouragement that our means will possibly justify, that its influence may be felt throughout the Territory. If it is necessary at any time to have a Superintendent for the purpose of completing a system of public instruction, it is certainly more important at the incipient stage than at any other time, because it is then that we stand more in need of information; and it is reasonable to presume that a competent Superintendent can and will impart to us annually the information requisite from which to make up a good system of education.

Your committee have been informed by the Superintendent that he has already commenced quite an extensive correspondence with scientific men in the States, the object of which is to obtain statistical information, and various other matters, for the advancement of the cause of education in this Territory. It will also be the duty of the Superintendent to furnish to the schools in the Territory, the best school books, also recommend and establish a uniformity of books in the schools, and assist the districts in the selection of their libraries—which cannot be but imperfectly done without the assistance of a well qualified Superintendent; because it is not to be presumed for a moment that every school teacher is qualified to select the best books for the use of schools, nor is it to be admitted that they would all have the same taste in the selection of school books; and consequently we would see great confusion in schools for the want of a uniformity of books. Your committee, therefore, are deeply impressed with the importance of a Superintendent of Public Instruction in the organization and harmonious action of a proper system of public instruction, and hope that the office may be continued and every reasonable encouragement be given the Superintendent, that the utility of the office may be experimentally tested before it is condemned.

Iowa, at present, occupies high ground in point of intellectual cultivation. The late census of the United States exhibits the statement that there are a less number of persons in Iowa, in proportion to the number of inhabitants, twenty years old and over, that cannot read or write, than in any of the Territories and most of the States in the Union. This is certainly very flattering to the citizens of Iowa, and should and will encourage them to maintain their high character for intelligence.

Your committee, in conclusion, would recommend that some steps be taken for the establishment of Libraries in the school districts. Nothing could have a greater tendency to diffuse knowledge among every class of citizens than such a policy. It would bring the means of information to every person, and they would soon acquire a taste for reading—and, having that object in view, your committee report a bill, and ask to be discharged from the further consideration of the subject.

REPORT

OF THE SELECT COMMITTEE TO WHOM WAS REFERRED A BILL REGULATING GROCERY LICENSE.

Your committee ask leave to report, That they have had the same under consideration, and upon mature reflection are of the opinion that the general system of licensing groceries is incorrect in principle as well as in policy:

In principle:

First—Because it is using the force of law in a case where it is not applicable.

The force of law is applicable in all cases where there exists a perfect right to exer cise such force. This right exists in all instances where the action of the offender infringes the rights of others. But where the action does not interfere with the rights and privileges of others, the right to restrain said action is called an imperfect right, which kind of right cannot be asserted by force from the fact that to enforce such a right would be to act in violation of the natural rights of individuals.

The law should never speak but to command, nor command but where it can compel. Therefore, the force of law cannot be applied to the case of the dram-drinker, because it is his natural right to enjoy liberty and pursue happiness in his own way where he does not infringe the rights of others; and that right cannot be violated by the authority of any adventitious right guaranteed to any legislative body.

To restrain the appetites of men or enforce moral duties, such as temperance, benevolence, &c., is in the nature of things, above the jurisdiction of legislative power, because the right so to do is an imperfect right.

And your committee are of the opinion that the practice of licensing groceries is incorrect in principle:

Secondly—Because it is in effect levying an unequal tax upon community and appropriating the avails of that tax to the common good of the civil institutions or body politic, which is contrary to the spirit and democracy of our republican institutions. That it would be equally correct in principle to levy a direct tax upon the tobacco chewer as to levy it upon the dram-drinker. It is true that the dram-drinker is the most likely of the two to disturb the peace of community; but there are other laws by which he is accountable for such disturbance of the peace, which laws are as rigedly enforced as if no tax had been paid by said dram-drinker for the privilege of drinking what he pleases. Now your committee think, that according to the principles of inflexible justice and equal rights, the individual who pays a tax for the privilege of drinking, upon the ground that he is likely to disturb the peace, that he should not be liable for such disturbance in any other way, or if he is liaby other laws he should not pay such tax.

And your committee think it to be wrong in policy to license the selling of spiritous liquors:

First—Because it has a tendency to give character and respectability to

the practice of such traffic, or grocery keeping, which it would not otherwise have, and thereby it injures the cause of temperance.

Secondly—The cause of temperance is injured by such law, from the fact that when we substitute the force of law instead of those noblest virtues of the mind for the purpose of subduing an internal appetite, the appetite is strengthened and more ungovernable. An internal appetite, we conceive, cannot be restrained by the application of external force of law; hence it is a common proverb, that the more costly an article of food is, the better it suits the appetite.

The more effectual way, in the opinion of your committee, to lay restraints upon the appetites, it is cultivate the more noble faculties of the soul, which is effectually done by the present existing system of Temperance Societies; but where the force of law is used in the way of levying a heavy tax upon the gratification of the appetites, the appetites will become increased, and thereby the design of the temperance cause frustrated. The appetite must be governed by a voluntary exertion of the will, or it will not be governed at all.

Your committee, therefore, would recommend, instead of said bill, the following substitute, and ask to be discharged from the farther consideration of the subject.

ORDER OF DAILY BUSINESS IN THE COUNCIL.

After the Journal is read, the following order shall govern:

1st—Petitions or memorirlals to be offered.

2d—Resolutions.

3d—Reports of Committees.

4th—Bills, Resolutions and communications on the President's table.

5th—Bills and Resolutions ready for a second reading.

6th—Bills and Resolutions on their passage.

7th—Reports in possession of the Council, which offer grounds for a bill.

8th—Bills or other matters before the Council and unfinished the preceeding day.

9th—The above business being despatched, the general file of bills and other papers will be then taken up agreeably to their first introduction to the Council.

STANDING RULES.

1. The Council shall choose by ballot, one of their own number to occupy the Chair. He shall be styled President of the Council, and shall hold his office during the session of the Conncil at which he was elected. He shall take the chair at the hour to which the Council is adjourned and call the members to order; and if a quorum be present he shall direct the Journal of the preceeding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide all question of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an ad-

ournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Council may appoint a President, pro tem., to occupy the chair during such absence.

2. Any member may have a call of the Council, and absent members sent for. If upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion,) shall be put in the form: "You who are of the opinion (as the case may be,) say Aye; those of the contrary opinion, say No;" and in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary of the Council.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member of the Council shall make any motion (except to adjourn, postpone or commit) he shall reduce the same to writing upon the request of the President, or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members of the Council rising in their places for that purpose, and until decided shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Council chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be: "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole House. If to a committee of the whole House, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings, shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall, at the time previously appointed by the Council, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole, and if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Council is equally divided on a question the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day.

22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpœnas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

23. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof, shall be made, verbally, by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall be on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

24. After a bill shall have passed the Council, it shall be the duty of the Secretary of the Council so far to alter the title of the bill as to strike out the words "A Bill," and insert, in lieu thereof, the words "An Act;" it shall then be duly enrolled, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the Council.

25. After examination and report, each bill shall be signed by the President of the Council, and presented by the committee on enrollments, to the Governor for his approbation

26. A Secretary, Assisting Secretary, and two Transcribing Clerks, shall be appointed by a ballot, to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties

n their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts or papers be taken from the table or out of his custody other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President that it may be enquired into. It shall be the duty of the two Transcribing Clerks to make a true record of the Journal, transcribe, enroll, copy, and engross all bills, memorials and resolutions, and to perform all other duties that the Secretary may assign them.

27. A Sergeant-at-arms, Door-Keeper, Messenger and Fireman shall be appointed by ballot to hold their offices during the pleasure of the Council; it shall be their duty to attend the Council during its sitting, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

28. When a message shall be sent from the Governor to the Council, it shall be communicated to the Chair by the person by whom it is sent.

29. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given by the members of the Council.

30. When nominations shall be made in writing by the Governor of the Territory to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

31. It shall be the duty of the members and officers of the Council to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret, also the proceedings and business of the Council when in Executive session.

32. Before acting on confidential or Executive business, the Council should be cleared, by direction of the President, of all persons excepting the Secretary and Sergeant-at-Arms.

33. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books, and no part of the Executive journal shall be published but by special order.

34. No member or officer of the Council shall read the newspapers within the bar of the Council while in session.

35. The President of the Council is authorized and required to administer all oaths prescribed by these rules.

36. Every resolution read by the Secretary by direction of a member, shall be considered to be before the Council, and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

37. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of three fourths of the members present.

38. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

39. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by an appeal to the Council by any two members, and if a member be called to order for words spoken, the exceptionable words shall be immedi-

ately taken down in writing, that the President and Council may be better enabled to judge of the matter.

40. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

41. The following officers and persons present at any time during the sitting of the Council, shall be entitled to a seat within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Legislative Council of the Territory, and members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

42. The rules of Parliamentary Practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

JOINT RULES OF BOTH HOUSES.

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1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives ap-

pointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall then be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House, the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner and by the same committee as provided in the case of bills.

10. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without notice of five days, and leave of two-thirds of that house in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

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